



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Twenty-eighth Meeting Day

Monday Morning

March 5, 2001

The House convened at 11:00 a.m. with the Speaker in the Chair.

The invocation was offered by Pastor Keith Olson, Asbury United Methodist Church, Portland, the guest of Representative Ronald D. Liggett.

The Pledge of Allegiance to the Flag was led by Representative Jerry L. Denbo.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer •	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak •	Mock
Buell	Moses
Burton	Munson •
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond •
Crawford	Porter
Crooks	Richardson
Crosby	Ripley •
Day •	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley •	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry •	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 291: 92 present; 8 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 25, 31, 81, 104, 138, 162, 171, and 184 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 204, 207, 229, 272, 309, 318, 320, 329, 357, 362, 373, 377, 475, 485, 510, 524, 533, and 562 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 38 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 38

The Speaker handed down Senate Concurrent Resolution 38, sponsored by Representative Bodiker:

A CONCURRENT RESOLUTION to memorialize and honor Charles Mosey for his lifetime contributions and dedicated service to his community.

Whereas, Charles Mosey served his country in the United States Army during World War II;

Whereas, Upon returning from the service in 1946, Mr. Mosey founded the Mosey Manufacturing Company when he rented a lathe and space in a friend's barn and began manufacturing machine parts for record-making equipment;

Whereas, From these humble beginnings, Mr. Mosey built a successful business comprised of several machine parts plants in Richmond which hold the patents on many machine tool products. Regarded as a quintessential corporate citizen, Mr. Mosey helped to cultivate Richmond's reputation as a hub of the machine-tool industry;

Whereas, Throughout his career, Mr. Mosey was very active in his business and was known for frequently stopping by his plants to talk to employees about their lives, families and work projects;

Whereas, In addition to his business contributions, Mr. Mosey served his community as a member of the Richmond-Wayne County Chamber of Commerce Board and as a board member for Indiana University East and Junior Achievement. Mr. Mosey was also a member of St. Andrew Catholic Church and the Knights of Columbus;

Whereas, Mr. Mosey played an active role in furthering Richmond's economic development by purchasing old, rundown factory buildings on Richmond's north side and bringing the buildings back to life by locating businesses to once again occupy

them. In addition, Mr. Mosey was instrumental in bringing Ivy Tech to Richmond, donating land for the project and serving on the Ivy Tech board;

Whereas, Mr. Mosey received numerous honors during his lifetime, including being named the Richmond-Wayne County Chamber of Commerce Citizen of the Year in 1990, being inducted into the Wayne County Business Hall of Fame in 1994, and receiving Seton Catholic School's Distinguished Catholic School Graduate Award in 1997; and

Whereas, Although Mr. Mosey will be greatly missed by the Richmond community, his legacy of generosity and community service will continue on through his family and his business: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly memorializes and honors Charles Mosey for his numerous contributions to the Richmond community during his lifetime.

SECTION 2. That the lifetime of service exhibited by Mr. Mosey is inspiring to us all.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mr. Mosey's children and grandchildren.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12:40 p.m. with the Speaker in the Chair.

Representatives Budak, Day, Fry, Munson, and Ripley were present. Representative Dumezich was excused.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1065, 1105, 1122, 1207, 1208, 1218, 1277, 1299, 1338, 1385, 1409, 1417, 1448, 1487, and 1509.

House Bill 1083

Representative Cheney called down House Bill 1083 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1083-1)

Mr. Speaker: I move that House Bill 1083 be amended to read as follows:

Page 5, after line 17, begin a new paragraph and insert:

"SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.37-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state

statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:

- (A) concerning any negotiations made with respect to the research; and
- (B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.

(10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.

(11) Electronic mail sent or received by an employee of a public agency. This subdivision does not apply to reports, applications, and other documents that are filed with or sent to a public agency by electronic mail.

(12) Records concerning the use of the Internet by employees of a public agency.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

- (A) a public agency;
- (B) the state; or
- (C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of his scores.

(5) The following:

(A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

- (A) the name, compensation, job title, business address,

business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a recordkeeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of his identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing advisory committee. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(c) Notwithstanding section 3 of this chapter, a public agency is not required to create or provide copies of lists of names and addresses, unless the public agency is required to publish such lists and disseminate them to the public pursuant to statute. However, if a public agency has created a list of names and addresses, it must permit a person to inspect and make memoranda abstracts from the lists unless access to the lists is prohibited by law. The following lists of names and addresses may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes:

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state institution of higher education or of persons involved in programs or activities conducted or supervised by the state institution of higher education.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) prohibiting the disclosure of the list to commercial entities for commercial purposes; or

(B) specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes.

A policy adopted under subdivision (3) must be uniform and may not discriminate among similarly situated commercial entities.

(d) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(e) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(f) Notwithstanding subsection (e) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

(Reference is to HB 1083 as printed February 27, 2001.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1156

Representative Cook called down House Bill 1156 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1156-1)

Mr. Speaker: I move that House Bill 1156 be amended to read as follows:

Page 5, after line 9, begin a new paragraph and insert:

"SECTION 6. IC 9-29-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. Except as otherwise provided in this chapter, the annual registration fee for:

(1) a truck subject to registration under IC 9-18; and

(2) a tractor not used with a semitrailer, a traction engine, or other similar vehicle used for hauling purposes;

is as follows:

Declared Gross Weight (Pounds)		Fee
Greater than	Equal to or less than	
0	7,000	\$ 20
7,000	9,000	40
9,000	11,000 10,000	70
10,000	11,000	75
11,000	16,000	135
16,000	20,000	175
20,000	23,000	235
23,000	26,000	235
26,000	30,000	295
30,000	36,000	413
36,000	42,000	506
42,000	48,000	627
48,000	54,000	730
54,000	60,000	810
60,000	66,000	858
66,000		956

SECTION 7. IC 9-30-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) If a person has been found to have committed a traffic offense, the court may do the following:

(1) Require the person to attend and satisfactorily complete a driver improvement course that has been approved by the court and the bureau or by the bureau.

- (2) Place the person on probation for up to one (1) year.
- (3) Suspend the person's driver's license for up to thirty (30) days.
- (b) A driver improvement course required under subsection (a) may be financed by assessing a charge that covers the direct cost of the course. However, the charge may not exceed: ~~twenty-five~~ **(1) thirty dollars (\$25); (\$30) for a classroom presentation; or (2) forty dollars (\$40) for a distance learning presentation.**"
- (Reference is to HB 1156 as printed February 23, 2001.)

COOK

Motion prevailed. The bill was ordered engrossed.

House Bill 1866

Representative Crawford called down House Bill 1866 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1866-2)

Mr. Speaker: I move that House Bill 1866 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-131.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 131.3. "Minimum data set" or "MDS" has the meaning set forth in IC 12-15-41-1.

SECTION 2. IC 12-15-41 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 41. Annual Review of Medicaid Nursing Facility Residents

Sec. 1. "Minimum data set" or "MDS" means a core set of screening and assessment elements, including common definitions and coding categories, used as:

- (1) a comprehensive assessment for all residents of long term care facilities certified to participate in the Medicaid program; and
- (2) a standardized communication about resident problems, strengths, and conditions within the facilities, between facilities, and between facilities and outside agencies.

Sec. 2. A nursing facility certified to provide nursing facility care to Medicaid recipients shall submit to the office annually minimum data set (MDS) information for each of its Medicaid residents.

Sec. 3. (a) The office or the office's designated contractor shall evaluate the MDS information submitted for each Medicaid resident. The evaluation must consist of an assessment of the following:

- (1) The individual's medical needs.
- (2) The availability of services, other than services provided in a nursing facility, that are appropriate to the individual's needs.
- (3) The cost effectiveness of providing services appropriate to the individual's needs that are provided outside of, rather than within, a nursing facility.

(b) The assessment must be conducted in accordance with rules adopted under IC 4-22-2 by the office.

Sec. 4. If the office determines under section 3 of this chapter that an individual's needs could be met in a cost effective manner in a setting other than a nursing facility, the office shall counsel the individual and provide the individual with written notice containing the following:

- (1) The reasons for the office's determination.
- (2) A detailed description of services available to the individual that, if used by the individual, would make the continued placement of the individual in a nursing facility inappropriate. The detailed description of services available must do the following:

(A) Include a determination of whether the provider of the services available actually has the capacity to provide the

services.

(B) State the name of the provider of the services.

(C) Designate the specific site at which the services are available.

Sec. 5. If an individual appeals a discharge from a nursing facility under this chapter, the office shall continue payment to the nursing facility until the individual has exhausted the appeal process."

Page 5, line 34, delete "3 through 8" and insert "5 through 10".

Page 6, line 17, delete "1" and insert "3".

Page 6, line 28, delete "1" and insert "3".

Page 7, line 27, delete "1" and insert "3".

Page 10, line 5, delete "1(b)(1)" and insert "3(b)(1)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1866 as printed February 27, 2001.)

CRAWFORD

Motion prevailed.

HOUSE MOTION (Amendment 1866-3)

Mr. Speaker: I move that House Bill 1866 be amended to read as follows:

Page 2, line 18, delete "seven percent (107%)" and insert "six percent (106%)".

Page 5, between lines 31 and 32, begin a new line blocked left and insert:

"Rules adopted under this SECTION expire July 1, 2003. Reimbursement rates under this SECTION apply only before July 1, 2003. The office may not adopt rules that change the reimbursement percentages specified in this SECTION. After June 30, 2003, the rules concerning reimbursement that were in effect before the changes under this SECTION shall apply."

Page 6, line 18, delete "not" and insert "only".

Page 6, line 18, delete "to reduce or replace".

Page 6, delete lines 19 through 20.

Page 6, line 21, delete "act had not been enacted to reimburse nursing facilities".

Page 6, run in lines 18 and 21.

Page 6, line 25, delete "to".

Page 6, line 26, delete "supplement and enhance reimbursement to nursing facilities".

Page 6, line 39, delete "four" and insert "five".

Page 6, line 40, delete "and sixty-five cents (\$4.65)" and insert "\$(\$5)".

Page 9, line 20, delete "However, approval of the state plan amendment by the".

Page 9, delete lines 21 through 23.

Page 10, between lines 9 and 10, begin a new paragraph and insert: "SECTION 13. [EFFECTIVE JULY 1, 2001] (a) As used in this SECTION, "health facility" refers to a health facility that is licensed under IC 16-28 as a comprehensive care facility.

(b) As used in this SECTION, "qualifying individual" means an individual who receives qualifying services during the period beginning July 1, 2001, and ending June 30, 2003.

(c) As used in this SECTION, "qualifying services" means routine per diem services received in a health facility on a twenty-four (24) hour basis that were not paid for entirely or in part under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.), under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.), or under a federal Department of Veterans Affairs program for veterans.

(d) A qualifying individual is entitled to a tax credit against the individual's adjusted gross income tax liability. The amount of the tax credit that each qualifying individual may claim on the individual's state tax return is equal to one hundred fifty dollars (\$150) for each thirty (30) days that the qualifying individual receives qualifying services.

(e) Not more than one (1) credit is allowed under this SECTION for each qualifying individual.

(f) To obtain a credit under this SECTION, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer

shall submit to the department of state revenue all information that the department of state revenue determines is necessary for the calculation of the credit provided by this SECTION.

(g) Each health facility shall provide the data requested by the department of state revenue on qualifying individuals that is necessary to implement this SECTION.

(h) If the credit amount under subsection (d) exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the excess shall be refunded to the taxpayer.

(i) This SECTION expires July 1, 2003."

Renumber all SECTIONS consecutively.

(Reference is to HB 1866 as printed February 27, 2001.)

CRAWFORD

Motion prevailed.

HOUSE MOTION (Amendment 1866-1)

Mr. Speaker: I move that House Bill 1866 be amended to read as follows:

Page 6, line 38, after "(a)" insert " **This SECTION does not apply to health facilities that do not participate in the Medicaid program.** " .

(Reference is to HB 1866 as printed February 27, 2001.)

YOUNT

Representative Turner was excused from voting. Upon request of Representatives Espich and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 292: yeas 41, nays 48. Motion failed. The bill was ordered engrossed.

House Bill 1221

Representative Mellinger called down House Bill 1221 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1221-1)

Mr. Speaker: I move that House Bill 1221 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-8.1-5.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) A principal may suspend a student for not more than ten (10) school days under section 8, 9, or 10 of this chapter. However, the student may be suspended for more than ten (10) school days under section 16 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.
- (2) If the student denies the charges, a summary of the evidence against the student.
- (3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) shall commence as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall **immediately** send a written statement to the parent of the suspended student **and to the juvenile court** describing the following:

- (1) The student's misconduct.
- (2) The action taken by the principal.
- (3) **The increased liability cap under IC 31-37-3.5.**

SECTION 2. IC 20-8.1-5.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

- (1) Legal counsel.
- (2) A member of the administrative staff if the member:
 - (A) has not expelled the student during the current school year; and
 - (B) was not involved in the events giving rise to the

expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

(b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection (a). Notice of the right to appear at an expulsion meeting shall:

- (1) be made by certified mail or by personal delivery;
 - (2) contain the reasons for the expulsion; and
 - (3) contain the procedure for requesting an expulsion meeting.
- (c) The person conducting an expulsion meeting:
- (1) shall make a written summary of the evidence heard at the expulsion meeting;
 - (2) may take action that the person finds appropriate; and
 - (3) must give notice of the action taken under subdivision (2) to the student, ~~and~~ the student's parent, **and the juvenile court having jurisdiction over the student.**

(d) If the student or the student's parent within ten (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:

- (1) shall hold a meeting to consider:
 - (A) the written summary of evidence prepared under subsection (c)(1); and
 - (B) the arguments of the principal and the student or the student's parent;
 unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and
- (2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under section 15 of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.

(f) The governing body may vote not to hear appeals of actions taken under subsection (c). If the governing body votes not to hear appeals, after the date on which the vote is taken a student or parent may appeal only under section 15 of this chapter."

Page 1, delete lines 10 through 17 and insert:

"**Sec. 1. (a) Except as provided in subsection (b), a student who:**

- (1) **has been suspended or expelled from school; and**
- (2) **leaves the student's residence or property:**
 - (A) **while the student is suspended or expelled; or**
 - (B) **while the school from which the student has been suspended or expelled is in session;**

commits suspension truancy.

(b) A student who has been suspended or expelled from school does not commit suspension truancy under subsection (a) if the student leaves the student's residence or property while:

- (1) **accompanied by the student's parent, guardian, or custodian;**
- (2) **accompanied by an adult specified by the child's parent, guardian, or custodian;**
- (3) **participating in, going to, or returning from:**
 - (A) **lawful employment;**
 - (B) **a school sanctioned activity;**
 - (C) **a religious event;**
 - (D) **an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;**
 - (E) **an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or**

(F) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; (4) engaged in interstate or international travel from a location outside Indiana to another location outside Indiana; or (5) responding to an emergency that requires the student to leave the student's residence."

Page 2, delete lines 1 through 6.

Page 2, line 7, delete "Sec. 3." and insert "Sec. 2."

Page 2, line 13, delete "A" and insert "After taking the actions required by subsection (a), a".

Page 2, line 13, delete "has observed" and insert "observes".

Page 2, line 17, delete "probation department" and insert "court".

Page 2, delete lines 18 through 27.

Page 2, line 28, delete "(b)" and insert "Sec. 3."

Page 2, line 29, delete "shall" and insert "may".

Page 2, line 29, after "report" insert "of abuse or neglect".

Page 2, between lines 31 and 32, begin a new paragraph and insert: "Sec. 4. The parent or guardian of a student who commits suspension truancy may be held civilly liable for not more than ten thousand dollars (\$10,000) in actual damages arising from harm to a person or property caused by the student's commission of suspension truancy."

Renumber all SECTIONS consecutively.

(Reference is to HB 1221 as printed February 23, 2001.)

MELLINGER

Motion prevailed. The bill was ordered engrossed.

House Bill 1310

Representative Bottorff called down House Bill 1310 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1310-2)

Mr. Speaker: I move that House Bill 1310 be amended to read as follows:

Page 1, line 13, delete "entitled" and insert "eligible".

Page 1, line 16, delete "entitled" and insert "eligible".

Page 2, line 2, delete "to which" and insert "for which".

Page 2, line 3, delete "entitled" and insert "eligible".

(Reference is to HB 1310 as printed February 27, 2001.)

MUNSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1383

Representative Porter called down House Bill 1383 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1383-1)

Mr. Speaker: I move that House Bill 1383 be amended to read as follows:

Page 2, line 17, delete "unique" and insert "other unique identifying marks, numbers, names, letters,".

Page 3, line 17, delete "unique" and insert "other unique identifying marks, numbers, names, letters,".

Page 4, line 11, delete "unique" and insert "other unique identifying marks, numbers, names, letters,".

Page 5, line 6, delete "loan finance charge".

Page 5, line 7, delete "authorized by section 28 of this chapter" and insert "monthly fee authorized by subsection (a)".

Page 5, line 8, delete "loan finance charge" and insert "monthly fee".

(Reference is to HB 1383 as printed February 27, 2001.)

PORTER

Motion prevailed. The bill was ordered engrossed.

House Bill 1455

Representative Kuzman called down House Bill 1455 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1455-1)

Mr. Speaker: I move that House Bill 1455 be amended to read as follows:

Page 2, line 12, beginning with "If" begin a new paragraph and insert "(d)".

Page 2, line 13, delete "subsection (b)" and insert "this section".

Page 2, line 15, delete "subdivision (2)" and insert "subsection (c)(2)".

Page 3, line 12, delete "from serving alcoholic beverages" and insert "who:".

Page 3, delete lines 13 through 18, begin a new line double block indented and insert:

"(A) has successfully completed a server training program approved by the alcoholic beverage commission before applying for an employee permit; and

(B) serves alcoholic beverages in a dining area or family room of a restaurant or hotel:

(i) in the course of a person's employment as a waiter, waitress, or server; and

(ii) under the supervision of a person who is at least twenty-one (21) years of age and is present at the restaurant or hotel."

(Reference is to HB 1455 as printed February 27, 2001.)

KUZMAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1461

Representative Pelath called down House Bill 1461 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1461-1)

Mr. Speaker: I move that House Bill 1461 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-8-5.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 5.7. Payment of Claims

Sec. 1. As used in this chapter, "insured" means an individual who is entitled to the benefits provided by a policy of accident and sickness insurance. The term includes the following:

(1) The policyholder of an individual policy of accident and sickness insurance.

(2) A member of the group covered by a group policy of accident and sickness insurance.

(3) An individual who is entitled to coverage under a policy of accident and sickness insurance as a spouse or dependent of an individual referred to in subdivision (1) or (2).

Sec 2. As used in this chapter, "insurer" means an entity issuing a policy of accident and sickness insurance.

Sec. 3. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1.

Sec. 4. (a) An insured who has received services from a provider that provides services, including emergency services, that an insurer is required to pay, is considered to have filed a proper and complete claim if the insured submits the following information:

(1) The name of the insured who received services.

(2) The address of the insured.

(3) The date of service.

(4) The Current Procedural Terminology (CPT) code.

(5) The International Classification of Diseases (ICD) disease classification.

(6) The name and address of the provider.

(7) Information on the insured's benefit card that is specific to the insured.

(8) Tax identification information of the provider.

(b) A claim for an evaluation and management code (as defined by the latest edition of the Current Procedural Terminology manual)

that meets the requirements under subsection (a) must be paid to the insured not more than fourteen (14) days after the claim is submitted.

(c) If a claim is not for an evaluation and management code (as defined by the latest edition of the Current Procedural Terminology manual) the insurer may require the provider to submit information in addition to the information required under subsection (a). However, if a request for additional information under this subsection is not made within thirty (30) days after the insured has submitted a claim, the claim must be paid."

Page 1, between lines 9 and 10, begin a new paragraph and insert: "SECTION 3. IC 27-13-36-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.5. (a) An enrollee who receives services from a provider that is not a participating provider and that provides services, including emergency services, that a health maintenance organization or a limited service health maintenance organization is required to pay a nonparticipating provider, is considered to have filed a proper and complete claim if the enrollee submits the following information:

- (1) The name of the enrollee who received services.
- (2) The address of the enrollee.
- (3) The date of service.
- (4) The Current Procedural Terminology (CPT) code.
- (5) The International Classification of Diseases (ICD) disease classification.
- (6) The name and address of the provider.
- (7) Information on the enrollee's benefit card that is specific to the enrollee.
- (8) Tax identification information of the provider.

(b) A claim for an evaluation and management code (as defined by the latest edition of the Current Procedural Terminology manual) that meets the requirements under subsection (a) must be paid to the enrollee not more than fourteen (14) days after the claim is submitted.

(c) If a claim is not for an evaluation and management code (as defined by the latest edition of the Current Procedural Terminology manual) the health maintenance organization or the limited service health maintenance organization may require the provider to submit information in addition to the information required under subsection (a). However, if a request for additional information under this subsection is not made within thirty (30) days after the enrollee has submitted a claim, the claim must be paid."

Renumber all SECTIONS consecutively.

(Reference is to HB 1461 as printed February 28, 2001.)

T. BROWN

The Speaker ordered a division of the House and appointed Representatives Dobis and M. Smith to count the yeas and nays. Yeas 47, nays 35. Motion prevailed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:05 p.m. with the Speaker in the Chair.

Representatives Foley and Pond were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 40, 41, and 42 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 24, 42, 43, and

46 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 24

The Speaker handed down Senate Concurrent Resolution 24, sponsored by Representative Kuzman:

A CONCURRENT RESOLUTION congratulating the Taft Junior High School eighth-grade volleyball team upon winning the Lake-Porter Conference tourney.

Whereas, The people of Indiana take great interest in interscholastic athletic competition among our youth and take pride in both their victories and defeats;

Whereas, Despite missing two starting team members, the Taft Junior High School eighth-grade volleyball team dominated its title match against Liberty in claiming the Lake-Porter Conference tourney championship;

Whereas, En route to the title victory, three players broke four team records, including most spikes in a game by Lauren Mishevich (18), perfect setting percentage by Casey Rhodes (164 of 164), most serves in a game (24 of 24) and most kills in a season by Cassie Pruzin (100);

Whereas, Taft particularly thrived all season from stellar performances by Lauren Mishevich, who set team records with a 94 percent serving percentage in a game and highest passing percentage (90 percent), and Casey Rhodes, who had a 99 percent setting percentage in a game (162-164); and

Whereas, Under the masterful leadership of 11 year coach Liz Cecich, Taft concluded its successful title season with an 18-1 record: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Taft Junior High School eighth-grade volleyball team on its title victory in the Lake-Porter Conference tourney.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit copies of this resolution to coach Liz Cecich, Lauren Mishevich, Kaitlyn Sertich, Sara Reusze, Ashley Campbell, Dawn Hodowicz, Leslie Duggan, Jill Weiland, Natalie Mullins, Aryn Kooi, Cassie Pruzin, Casey Rhodes, Amber Cooper, Principal Michael Hazen, and Athletic Director Andrew Sargent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 42

The Speaker handed down Senate Concurrent Resolution 42, sponsored by Representative Bodiker:

A CONCURRENT RESOLUTION to recognize JoEllen Trimble for her numerous contributions and years of dedicated service to the community of Richmond and to the State of Indiana.

Whereas, JoEllen Trimble, a resident of Richmond, Indiana, has been an active member of her community, serving as the Richmond City Clerk, the Wayne County Treasurer and the Clerk of the Wayne Circuit Court. She has also represented the Richmond community as an executive board member for the Indiana Association of Cities and Towns and the Indiana Association of Counties;

Whereas, In addition to her involvement in the local community, Ms. Trimble has held the position of State President for both the Indiana League of Municipal Clerks and Clerk-Treasurers and the Indiana Clerks of the Circuit Courts. She has further served the

State of Indiana as President of the Eastern District of Indiana Association of Counties;

Whereas, As a dedicated public servant for the State of Indiana, Ms. Trimble has also been named to the Governor's Local Government Advisory Council and the National Association of Counties Health and Human Services Committee; and

Whereas, Ms. Trimble's hard work and dedication both to the Richmond community and the State of Indiana have not gone unnoticed by her peers. She has enjoyed recognition by the Clerks of the Circuit Courts of Indiana who named her the "Clerk of the Year" and by the Association of Indiana Counties who named her the "Outstanding Clerk of the Year": Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly recognizes JoEllen Trimble for her numerous contributions to the Richmond community and to the State of Indiana. Her years of dedicated service are inspiring to us all.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to JoEllen Trimble and her children.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 43

The Speaker handed down Senate Concurrent Resolution 43, sponsored by Representative Bodiker:

A CONCURRENT RESOLUTION to recognize Orville Allen for his dedicated service and countless contributions to the Richmond community.

Whereas, Orville Allen began his career at Indiana-American Water Company, Inc. in 1971. During his 29 years of service to date, Mr. Allen has held a variety of positions with the company, including Production Superintendent, Director of Risk & Materials, Manager, and Operations Manager;

Whereas, Mr. Allen has been extremely active in the Richmond community, where he served as a volunteer Deputy Sheriff for the Union County Sheriff's Department, as a board member of the Richmond Area Chamber of Commerce, and as a member of the City of Richmond's Board of Zoning;

Whereas, Mr. Allen's community involvement is further evidenced by his service as a board member of the Richmond Economic Growth Group and the Richmond Scotts Boys Club and as the President of the Forest Hills Country Club;

Whereas, Mr. Allen was involved in implementing the City of Richmond's first Economic Development Department. He was also instrumental in developing the American Water Works Association's Short Schools program for the Indiana Section. This program was designed to help educate individuals prior to taking state water industry certification tests; and

Whereas, The local community has recognized Mr. Allen's dedicated service by awarding him the Leadership of Wayne County Award and by the Mayor's proclamation of April 6, 1996 as Orville E. Allen Appreciation Day. The residents of the Richmond community continue to hold Mr. Allen in very high regard: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly recognizes Orville Allen for his display of exemplary citizenship and dedication to the Richmond community.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Orville Allen and his children.

The resolution was read a first time and adopted by voice vote.

The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 46

The Speaker handed down Senate Concurrent Resolution 46, sponsored by Representatives Moses, Goeglein, GiaQuinta, Pond, and Alderman:

A CONCURRENT RESOLUTION to honor Richard T. Doermer for 25 years of distinguished service to the Indiana public employees' retirement fund (PERF) board of trustees.

Whereas, Richard T. Doermer has served on the public employees' retirement fund (PERF) board of trustees for 25 years;

Whereas, Richard began his tenure of service on the PERF board of trustees in 1976 when he was appointed by Governor Otis R. Bowen, M.D.;

Whereas, On July 1, 2000, Richard began his seventh consecutive term as trustee on the PERF board of trustees;

Whereas, Richard's dedicated service on the PERF board of trustees has extended through the terms of Governor Otis R. Bowen, Governor Robert D. Orr, Governor Evan Bayh, and Governor Frank L. O'Bannon;

Whereas, Richard was honored by his fellow trustees with election to the chairmanship four consecutive years beginning in 1997;

Whereas, Richard's accomplishments have been recognized by his receipt of numerous awards, including two Sagamore of the Wabash awards and the Indiana Academy Medallion in recognition of individual merit in achieving the purposes of encouraging, promoting, and serving business, philanthropy, science, literature, art, community service, and higher education;

Whereas, Richard's sense of citizenship brought him to serve in the United States Navy during World War II in the Pacific Theater;

Whereas, Richard's lifelong commitment to state and local community service is further evidenced by his involvement in numerous organizations, including the Catholic Diocese of Fort Wayne, the United Way of Allen County, the Fort Wayne Community School System, the University of Notre Dame, the University of St. Francis, the Fort Wayne Parks Foundation, the St. Joseph Hospital of Fort Wayne, and the Hospice and Visiting Nurses Service of the Fort Wayne area;

Whereas, Richard and his late wife, Mary Louise "Weezy" Doermer, have always held their family as their highest priority and are the proud parents of Kathryn Callen and Richard D. Doermer and grandparents to six beautiful grandchildren; and

Whereas, Richard T. Doermer, having dedicated 25 years to serving the Indiana public employees' retirement fund, is regarded with the highest esteem by his fellow board members and the staff of the fund: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly hereby congratulates Richard T. Doermer on his 25 years of service to the Indiana public employees' retirement fund (PERF) board of trustees.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to Richard T. Doermer.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1543, 1576, 1650, 1692, 1773, 1786, 1852, 1930, 1938, 1942, 1947, 1952, and 1972.

House Bill 1600

Representative Porter called down House Bill 1600 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1600-1)

Mr. Speaker: I move that House Bill 1600 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.3-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The board is composed of ~~five (5)~~ **thirteen (13)** trustees. ~~appointed by~~

(b) The speaker of the house of representatives shall appoint the following trustees:

(1) Two (2) members of the house of representatives. The trustees appointed under this subdivision:

(A) may not be members of the same political party; and

(B) are nonvoting trustees.

(2) Two (2) individuals who have knowledge in the design, administration, or management of retirement plans. The trustees appointed under this subdivision:

(A) may not be members of the same political party;

(B) are not required to be members of the fund; and

(C) are voting trustees.

(c) The president pro tempore of the senate shall appoint the following trustees:

(1) Two (2) members of the senate. The trustees appointed under this subdivision:

(A) may not be members of the same political party; and

(B) are nonvoting trustees.

(2) Two (2) individuals who have knowledge in the design, administration, or management of retirement plans. The trustees appointed under this subdivision:

(A) may not be members of the same political party;

(B) are not required to be members of the fund; and

(C) are voting trustees.

(d) The governor shall appoint five (5) trustees:

(1) one (1) of whom must be a member of the fund with at least ten (10) years of creditable service; and

(2) not more than three (3) of whom may be members of the same political party.

~~(b) The governor shall fill by appointment vacancies on the board in the manner described in subsection (a) of this section.~~

~~(c) In making the appointments under this subsection, (a); the governor may consider whether at least one (1) trustee is a retired member of the fund.~~

(e) The appointing authority of a trustee shall fill a vacancy on the board with an individual who possesses the same required qualifications as the trustee who vacated membership on the board.

SECTION 2. IC 5-10.3-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) Beginning July 1, 2001, and every fourth year thereafter, the speaker of the house of representatives shall designate a trustee appointed under section 1(b)(1) of this chapter as the chair of the board. The trustee designated as chair under this subsection serves as chair for two (2) years. If the trustee designated as chair under this subsection vacates the trustee's position on the board, the speaker of the house of representatives shall designate another trustee appointed under section 1(b)(1) of this chapter as chair.

(b) Beginning July 1, 2003, and every fourth year thereafter, the president pro tempore of the senate shall designate a trustee appointed under section 1(c)(1) of this chapter as the chair of the board. The trustee designated as chair under this subsection serves as chair for two (2) years. If the trustee designated as chair under this subsection vacates the trustee's position on the board, the president pro tempore of the senate shall designate another trustee

appointed under section 1(c)(1) of this chapter as chair.

SECTION 3. IC 5-10.3-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~Term of Office:~~ **(a) Each trustee who is a voting trustee is entitled to serve a term of four (4) years beginning on July 1 following appointment and until his a successor is qualified.**

(b) A nonvoting trustee serves at the pleasure of the trustee's appointing authority. A nonvoting trustee vacates the trustee's position on the board if the trustee is no longer a member of the house of the general assembly from which appointed.

SECTION 4. IC 5-10.3-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~Oath of Office; Qualification for Membership:~~ **(a) This section applies only to a trustee who is a voting trustee.**

(b) Each trustee shall take an oath of office, which must be:

(1) subscribed to by the trustee making it;

(2) certified by the officer before whom it is taken; and

(3) filed with the secretary of state.

A trustee is qualified for membership on the board when the oath is filed with the secretary of state.

SECTION 5. IC 5-10.3-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) This subsection applies only to a trustee who is a voting trustee.** Each trustee is entitled to compensation of four hundred fifty dollars (\$450) on October 1, January 1, April 1, and June 30. In addition, the board shall reimburse each trustee for necessary expenses incurred through service on the board.

(b) This subsection applies only to a trustee who is a nonvoting trustee. A trustee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative members of interim study committees established by the legislative council. Amounts paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

SECTION 6. IC 5-10.3-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall hold an annual meeting each November and regular meetings at least quarterly in each year. Special meetings may be held as considered necessary by the board **or on the call of the chair.**

(b) Meetings may be held in the general office or in such other places in the state as are designated by the board or the chair.

(c) All meetings must be open to the public. The board shall keep a record of its proceedings.

SECTION 7. IC 5-10.3-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~Voting; Quorum: Three (3)~~ **Seven (7) trustees constitute a quorum for the transaction of business. Each trustee is entitled to one (1) vote on the board. A majority vote The affirmative votes of five (5) voting trustees is sufficient for adoption of a resolution or other action at regular or special meetings."**

Page 2, after line 15, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the board of trustees of the public employees' retirement fund established under IC 5-10.3-3, as amended by this act.

(b) Not later than June 1, 2001, the speaker of the house of representatives shall appoint the trustees provided for in IC 5-10.3-3-1(b), as amended by this act.

(c) Not later than June 1, 2001, the president pro tempore of the senate shall appoint the trustees provided for in IC 5-10.3-3-1(c), as amended by this act.

(d) Notwithstanding IC 5-10.3-3-1.5, as added by this act, not later than June 1, 2001, the speaker of the house of representatives shall designate the chair of the board from among the trustees appointed under subsection (b) with the qualifications required by IC 5-10.3-3-1.5, as added by this act. The chair designated under this subsection serves as chair, subject to IC 5-10.3-3-2, as amended by this act, until July 1, 2003.

(e) This SECTION expires July 1, 2003.

SECTION 11. An emergency is declared for this act."

Renumber all SECTIONS consecutively.
(Reference is to HB 1600 as printed February 28, 2001.)

M. SMITH

Motion prevailed. The bill was ordered engrossed.

House Bill 1609

Representative Kersey called down House Bill 1609 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1609-2)

Mr. Speaker: I move that House Bill 1609 be amended to read as follows:

Page 6, line 11, delete "an" and insert "**a noncertificated**".

Page 6, line 11, after "employee" insert "**(as defined in IC 20-7.5-1-2(g))**".

Page 6, line 12, delete "(as defined in IC 20-8.1-1-1) whose employment is not" and insert ".".

Page 6, delete lines 13 through 14.

Page 6, line 15, delete "corporation" and insert "**employer**".

Page 6, line 16, delete "20-7.5-1-2" and insert "**20-7.5-1-2(c)**".

Page 7, between lines 2 and 3, begin a new paragraph and insert: "**Sec. 7. "School corporation" has the meaning set forth in IC 20-7.5-1-2(a).**".

(Reference is to HB 1609 as printed February 27, 2001.)

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to Rule 81, I move that the question be divided on House Bill 1609. House Bill 1609 contains two distinct questions. SECTIONS 1 through 3 deal with collective bargaining for noncertificated school employees. SECTION 4 creates a new disciplinary procedure for noncertificated school employees. These questions are clearly divisible pursuant to Rule 81. Each question should be considered by this House separately.

MUNSON

The Speaker ruled the motion was out of order because there was no question before the House at the time.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Munson's motion to divide the question on House Bill 1609 is out of order. There are two distinct questions before the House on this bill. SECTIONS 1 through 3 of the bill deal with collective bargaining for noncertificated school employees. Section 4 creates a new disciplinary procedure for noncertificated school employees. The Chair's ruling ignores the letter and spirit of Rule 81.

MUNSON
BOSMA

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

The question was, Shall the ruling of the Chair be sustained? Roll Call 293: yeas 51, nays 46. The ruling of the Chair was sustained.

HOUSE MOTION (Amendment 1609-1)

Mr. Speaker: I move that House Bill 1609 be amended to read as follows:

Page 5, between lines 2 and 3, begin a new paragraph and insert: "SECTION 3. IC 20-7.5-1-3 IS AMENDED TO READ AS FOLLOWS: Sec. 3. Duty to Bargain Collectively and Discuss. On and after January 1, 1974, school employers and school employees shall have the obligation and the right to bargain collectively the items set forth in Section 4, the right and obligation to discuss any item set forth in Section 5 and shall enter into a contract embodying any of the matters on which they have bargained collectively. No contract may include provisions in conflict with (a) any right or benefit established by federal or state law, (b) school employee rights as defined in Section 6(a) of this chapter, or (c) school employer rights as defined

in Section 6(b) of this chapter. It shall be unlawful for a school employer to enter into any agreement that would place such employer in a position of deficit financing as defined in this chapter, and any contract which provides for deficit financing shall be void to that extent and any individual teacher's contract executed in accordance with such contract shall be void to such extent. **Nothing in this chapter shall require school employers to bargain collectively or to discuss items with noncertificated employees without the prior approval of the governing body of the school.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1609 as printed February 27, 2001.)

WHETSTONE

Motion failed. The bill was ordered engrossed.

House Bill 2031

Representative Kruzan called down House Bill 2031 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 2031-2)

Mr. Speaker: I move that House Bill 2031 be amended to read as follows:

Page 1, line 2, delete "JULY 1, 2001" and insert "JANUARY 1, 2002".

Page 1, line 11, delete "JULY" and insert "JANUARY".

Page 1, line 12, delete "2001" and insert "2002".

Page 1, line 16, delete "JULY 1, 2001" and insert "JANUARY 1, 2002".

Page 2, line 4, delete "JULY 1, 2001" and insert "JANUARY 1, 2002".

Page 2, line 9, delete "JULY 1, 2001" and insert "JANUARY 1, 2002".

Page 3, line 29, delete "representative of the division" and insert "**director of an office**".

Page 3, line 30, after "team" insert "**or the director's designee**".

Page 4, delete lines 12 through 14.

Page 5, delete line 42.

Page 6, delete line 1.

Page 6, line 2, delete "(b)" and insert "**Sec. 14.**".

Page 6, line 11, delete "JULY 1, 2001" and insert "JANUARY 1, 2002".

(Reference is to HB 2031 as printed February 22, 2001.)

KRUZAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1757

Representative Hasler called down House Bill 1757 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1757-1)

Mr. Speaker: I move that House Bill 1757 be amended to read as follows:

Page 2, line 1, after "mined and" insert "**asbestos**".

Page 2, line 1, strike "commercial".

Page 2, line 1, delete ";" and insert "**containing products;**".

(Reference is to HB 1757 as printed February 27, 2001.)

HASLER

Motion prevailed. The bill was ordered engrossed.

House Bill 1783

Representative L. Lawson called down House Bill 1783 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1783-1)

Mr. Speaker: I move that House Bill 1783 be amended to read as follows:

Page 2, line 10, delete "2601" and insert "**2612(a)(1)(C) in order to care for an employee's spouse, son, daughter, or parent who has a serious health condition.**".

Page 2, line 10, delete "or who separate from".

Page 2, delete lines 11 through 13.

Page 5, line 38, delete ":".

Page 5, line 39, delete "(1)".

Page 5, line 39, delete "2601; or" and insert **"2612(a)(1)(C) in order to care for the insured worker's spouse, son, daughter, or parent who has a serious health condition."**

Page 5, run in lines 38 through 39.

Page 5, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 4. IC 22-4-2-40 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2002]: **Sec. 40. As used in this article, "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:**

(1) inpatient care in a hospital, hospice, or residential medical care facility; or

(2) continuing treatment by:

(A) a person who holds:

(i) a degree of doctor of medicine or doctor of osteopathy or the equivalent; and

(ii) an unlimited license to practice medicine or osteopathic medicine in Indiana; or

(B) any other person determined by the board to be capable of providing health care services (as defined in IC 27-13-1-18)."

Page 6, line 26, delete "2601" and insert **"2612(a)(1)(C) in order to care for the individual's spouse, son, daughter, or parent who has a serious health condition"**.

Page 7, line 2, delete ":".

Page 7, line 3, delete "(A)".

Page 7, line 3, delete "2601; or" and insert **"2612(a)(1)(C) in order to care for the individual's spouse, son, daughter, or parent who has a serious health condition."**

Page 7, run in lines 2 through 3.

Page 7, delete lines 4 through 6.

Page 10, line 9, delete "for reasons that meet the criteria for".

Page 10, line 10, delete "family and medical leave".

Page 10, line 10, delete "2601," and insert **"2612(a)(1)(C) in order to care for the employee's spouse, son, daughter, or parent who has a serious health condition,"**.

Page 12, line 42, delete ":".

Page 13, line 1, delete "(A)".

Page 13, line 1, delete "2601; or" and insert **"2612(a)(1)(C) in order to care for the individual's spouse, son, daughter, or parent who has a serious health condition."**

Run in page 12, line 42 through page 13, line 1.

Page 13, delete lines 2 through 5.

Page 17, line 10, delete "2601 or" and insert **"2612(a)(1)(C) in order to care for the employee's spouse, son, daughter, or parent who has a serious health condition."**

Page 17, delete lines 11 through 13.

Page 17, line 24, delete "2601 or has left employment" and insert **"2612(a)(1)(C) in order to care for the insured worker's spouse, son, daughter, or parent who has a serious health condition."**

Page 17, delete lines 25 through 27.

Page 18, line 4, delete ":".

Page 18, line 5, delete "(1)".

Page 18, line 5, delete "2601; or" and insert **"2612(a)(1)(C) in order to care for the individual's spouse, son, daughter, or parent who has a serious health condition"**.

Page 18, run in lines 4 through 5.

Page 18, delete lines 6 through 8.

Page 20, line 20, delete ":".

Page 20, line 21, delete "(A)".

Page 20, line 21, delete "2601; or" and insert **"2612(a)(1)(C) in order to care for the individual's spouse, son, daughter, or parent who has a serious health condition"**.

Page 20, run in lines 20 through 21.

Page 20, delete lines 22 through 25.

Re-number all SECTIONS consecutively.

(Reference is to HB 1783 as printed February 22, 2001.)

L. LAWSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1811

Representative Crosby called down House Bill 1811 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1811-2)

Mr. Speaker: I move that House Bill 1811 be amended to read as follows:

Page 2, between lines 29 and 30, begin a new paragraph and insert: "SECTION 2. IC 6-6-1.1-201 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 201. A cents per mile license tax of fifteen cents (\$0.15) per gallon, in the amount determined under section 201.2 of this chapter** is imposed on the use of all gasoline used in Indiana, except as otherwise provided by this chapter. The distributor shall initially pay the tax on the billed gallonage of all gasoline the distributor receives in this state, less any deductions authorized by this chapter. The distributor shall then add the per gallon amount of tax to the selling price of each gallon of gasoline sold in this state and collected from the purchaser so that the ultimate consumer bears the burden of the tax.

SECTION 3. IC 6-6-1.1-201.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2002]: **Sec. 201.2. (a) As used in this section, "motor fuel" has the meaning set forth in IC 6-6-4.1-1(g).**

(b) The cents per mile license tax imposed under section 201 of this chapter is the amount determined in STEP TWO of the following formula, rounded off to the nearest one-tenth of one cent (\$0.001):

STEP ONE: Divide:

(A) the Indiana motor vehicle miles of travel (VMT) for the calendar year preceding by two (2) years the calendar year in which the tax is imposed, as reported by the United States Highway Administration; by

(B) the certified taxable gallons of motor fuel for the calendar year preceding by two (2) years the calendar year in which the tax is imposed, as reported by the department; to determine the current average miles per gallon (AMPG).

STEP TWO: Multiply the AMPG calculated under STEP ONE by ninety-two hundredths of one cent (\$0.0092).

(c) Not later than November 1 of each year, the department shall:

(1) publish the annual tax rate in effect for the following calendar year in the Indiana Register; and

(2) widely disseminate information concerning the applicability of the new rates.

(d) Not later than November 1 of each year, the department shall publish in the Indiana Register and widely disseminate information concerning:

(1) the certified taxable gallons of fuel; and

(2) the Indiana vehicle miles of travel;

used in the calculation of the cents per mile license tax under subsection (b)."

Page 3, line 3, strike "prescribed by section 201 of this chapter" and insert **"annually published by the department"**.

Page 3, line 8, strike "prescribed by section 201" and insert **"determined under section 201.2"**.

Page 3, between lines 24 and 25, begin a new paragraph and insert: "SECTION 3. IC 6-6-1.1-606.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 606.6. (a) Except as provided in subsection (c), every person included within the terms of section 606(a) of this chapter who transports gasoline in a vehicle on the highways of Indiana in a vehicle having a total tank capacity of less than eight hundred fifty (850) gallons is liable to the state for a penalty equal to the rate provided in section 201.2 of this chapter on all gasoline transported into Indiana and delivered to any person other than a licensed distributor.**

(b) Except as provided in subsection (c), every person included within the terms of section 606(c) of this chapter who transports gasoline in a vehicle on the highways of Indiana is liable to the state

for a penalty equal to the rate provided in ~~section 201~~ **section 201.2** of this chapter on all gasoline:

- (1) received by the person for transportation to a point outside Indiana;
- (2) not ~~in fact~~ transported to a point outside Indiana; and
- (3) ~~in fact~~ delivered to a person other than a licensed distributor inside Indiana.

(c) The following are excluded when computing any liability under this section:

- (1) All deliveries of gasoline when the tax imposed by law was charged or collected by the parties under the circumstances described in this section.
- (2) Deliveries of gasoline used in computing the tax under section 301 of this chapter.

SECTION 4. IC 6-6-1.1-801.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 801.5. (a) The administrator shall transfer ~~one-fifteenth (1/15) of the taxes that are collected under this chapter~~ **the amount determined under subsection (b) to the state highway road construction and improvement fund.**

(b) **The amount of the transfer required under subsection (a) is the amount determined in the last of the following STEPS:**

STEP ONE: Determine the amount of the taxes collected under this chapter.

STEP TWO: Determine the tax rate determined under section 201.2 of this chapter.

STEP THREE: Multiply the STEP TWO result by one hundred (100).

STEP FOUR: Express the STEP THREE result as a fraction with the STEP THREE result being the numerator and one (1) being the denominator.

STEP FIVE: Invert the STEP FOUR result so that the numerator of the fraction expressed is one (1) and the denominator is the STEP THREE result.

STEP SIX: Multiply the STEP FIVE result by the STEP ONE result.

(c) After the transfer required by subsection (a), the administrator shall transfer the next twenty-five million dollars (\$25,000,000) of the taxes that are collected under this chapter and received during a period beginning July 1 of a year and ending June 30 of the immediately succeeding year to the auditor of state for distribution in the following manner:

- (1) thirty percent (30%) to each of the counties, cities, and towns eligible to receive a distribution from the local road and street account under IC 8-14-2 and in the same proportion among the counties, cities, and towns as funds are distributed under IC 8-14-2-4;
- (2) thirty percent (30%) to each of the counties, cities, and towns eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1 and in the same proportion among the counties, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1; and
- (3) forty percent (40%) to the Indiana department of transportation.

~~(c)~~ **(d)** The auditor of state shall hold all amounts of collections received under subsection ~~(b)~~ **(c)** from the administrator that are made during a particular month and shall distribute all of those amounts pursuant to subsection ~~(b)~~ **(c)** on the fifth day of the immediately succeeding month.

~~(d)~~ **(e)** All amounts distributed under subsection ~~(b)~~ **(c)** may only be used for purposes that money distributed from the motor vehicle highway account may be expended under IC 8-14-1."

Page 4, after line 15, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 6-6-1.1-201.2, as added by this act, the department of state revenue shall, before November 1, 2001, publish in the Indiana Register the cents per mile rate under IC 6-6-1.1-201.2, as added by this act, that is applicable for the calendar year beginning January 1, 2002.

(b) This SECTION expires January 2, 2002."

Renumber all SECTIONS consecutively.

(Reference is to HB 1811 as printed February 27, 2001.)

ESPICH

After discussion Representative Espich withdrew the motion. The bill was ordered engrossed.

House Bill 1813

Representative Crosby called down House Bill 1813 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1813-4)

Mr. Speaker: I move that House Bill 1813 be amended to read as follows:

Page 82, line 23, delete "before July 1, 2001,".

(Reference is to HB 1813 as printed February 28, 2001.)

CRAWFORD

Motion prevailed. The bill was ordered engrossed.

House Bill 1887

Representative Pelath called down House Bill 1887 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1887-1)

Mr. Speaker: I move that House Bill 1887 be amended to read as follows:

Page 2, line 35, after "IC 11-10-5;" begin a new line double block indented and insert:

"(B) IC 12-24-3;

(C) IC 16-33-3;".

Page 2, line 36, delete "(B)" and insert **"(D)"**.

Page 2, line 37, delete "(C)" and insert **"(E)"**.

Page 2, line 38, delete "(D)" and insert **"(F)"**.

Page 5, line 4, delete "and".

Page 5, line 5, delete "other wage and wage related benefits, including retirement".

Page 5, line 6, delete "and severance benefits;" and insert **"the amount of the employer contribution made to each locally established retirement plan; and**

(3) the severance benefits;".

Page 5, run in lines 5 through 6.

Page 5, line 14, delete "and".

Page 5, line 15, delete "other wage and wage related benefits, including retirement".

Page 5, line 16, delete "and severance benefits." and insert **"an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

(3) a severance benefit payable only to retiring teachers."

Page 5, run in lines 15 through 16.

Page 5, line 17, delete "and benefits" and insert **", the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits"**.

Page 5, line 37, strike "." and insert ";".

Page 5, line 38, delete "The" and insert **"the"**.

Page 5, line 38, delete "and".

Page 5, delete line 39.

Page 5, line 40, delete "severance benefits," and insert **"the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits"**.

Page 5, run in lines 38 and 40.

Page 6, line 2, after "(a)" insert **"The grievance procedure established by this section applies to a teacher employed by the department instead of the grievance procedure described in IC 4-15-2-35.**

(b)".

Page 6, line 14, delete "immediate" and insert **"intermediate"**.

Page 6, line 39, delete "respond".

Page 6, line 40, delete "to" and insert **"set a hearing date on"**.

Page 6, line 42, delete "." and insert "**and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.**".

Page 7, line 8, delete "(b)" and insert "(c)".

Page 7, line 9, delete "(a)(11)" and insert "(b)(11)".

Page 7, line 16, delete "(c)" and insert "(d)".

Page 7, line 18, delete "association." and insert "**organization.**".

Page 7, line 19, delete "(d)" and insert "(e)".

Page 7, line 20, delete "(a), the teacher prevails." and insert "**(b), the grievance proceeds to the next step of the procedure.**".

Page 7, line 21, delete "(e)" and insert "(f)".

Page 7, line 23, delete "(a)." and insert "(b)."

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5.

SECTION 5. IC 12-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Each year the director shall set:

(1) a salary schedule;

(2) **an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

(3) **a severance benefit payable only to retiring teachers;**

for each of the educational systems established in a state institution as provided in subsections (b) and (c).

(b) The director shall set:

(1) a salary schedule by using a daily rate of pay for each teacher;

(2) **an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

(3) **a severance benefit payable only to retiring teachers.**

~~that equals the rate of pay~~ The salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection must equal those of the largest school corporation in the county in which the state institution is located. If the school corporation in which the state institution is located becomes the largest school corporation in the county in which the state institution is located, the ~~daily rate of pay~~ salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection for each teacher must equal that of the school corporation in which the institution is located, without regard to whether the school corporation in which the state institution is located remains the largest school corporation in the county.

(c) The salary schedule, **the additional salary payment, and the severance benefits prescribed under subsection (b)** set by the director is subject to the approval of the state personnel department and the budget agency.

(d) The director shall prescribe the terms of the annual contract. The prescribed annual contract shall be awarded to licensed teachers qualified for payment under the salary schedule prescribed under this section. The director shall advise the budget agency and the governor of this action.

(e) Hours of work for all teachers shall be set in accordance with IC 4-15-2.

SECTION 6. IC 12-24-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. (a) **The grievance procedure established by this section applies to a teacher employed by the department instead of the grievance procedure described in IC 4-15-2-35.**

(b) **If a teacher who is employed by the department wishes to file a grievance concerning an action taken by the teacher's employer, the grievance must be filed according to the following procedure:**

(1) **The teacher may file a grievance with the teacher's immediate supervisor not more than thirty (30) days after the aggrieved action occurs.**

(2) **The supervisor shall respond to a grievance filed under subdivision (1) not more than two (2) working days after the supervisor receives the grievance.**

(3) **If the teacher is dissatisfied with the response under**

subdivision (2), the teacher may file a written grievance with the teacher's intermediate supervisor.

(4) **The supervisor shall respond to a written grievance filed under subdivision (3) not more than four (4) working days after the supervisor receives the written grievance.**

(5) **If the teacher is dissatisfied with the response under subdivision (4), the teacher may file a written grievance with the superintendent of the institution in which the teacher is employed.**

(6) **The superintendent shall respond to a written grievance filed under subdivision (5) not more than ten (10) days after the superintendent receives the written grievance.**

(7) **If the teacher is dissatisfied with the response under subdivision (6), the teacher may file a written grievance with the state personnel director appointed under IC 4-15-1.8-3 not more than fifteen (15) days after the teacher receives the response under subdivision (6).**

(8) **The state personnel director shall respond to a written grievance filed under subdivision (7) not more than fifteen (15) days after the state personnel director receives the written grievance.**

(9) **If the teacher is dissatisfied with the response under subdivision (8), the teacher may file a written grievance with the state employees' appeals commission under 33 IAC 1 not more than fifteen (15) days after the teacher receives the response under subdivision (8).**

(10) **The state employees' appeals commission shall set a hearing date on the written grievance filed under subdivision (9) not more than thirty (30) days after the state employees' appeals commission receives the written grievance and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.**

(11) **If the teacher is dissatisfied with the response under subdivision (10), the teacher may submit the grievance to arbitration not more than fifteen (15) days after the teacher receives the response under subdivision (10).**

(12) **The arbitrator to which the grievance is submitted under subdivision (11) shall hold a hearing and shall render a decision not more than thirty (30) days after the hearing.**

(c) **An arbitrator to which a grievance is submitted under subsection (b)(11) must be selected from:**

(1) **the American Arbitration Association; or**

(2) **the Federal Mediation and Conciliation Service if an arbitrator is not available from the American Arbitration Association;**

according to selection procedures established by the arbitrator's association or service.

(d) **Costs of arbitration under this section shall be shared equally by the employer and the teacher or the teacher's organization.**

(e) **If the employer does not comply with the timelines set forth under subsection (b), the grievance proceeds to the next step of the procedure.**

(f) **A teacher who files a grievance under this section may choose a representative to represent the teacher in the grievance process under subsection (b).**

(g) **The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5.**

SECTION 7. IC 16-33-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5. (a) **This section applies to teachers employed by the center to provide the training or retraining allowed at the center under section 5 of this chapter.**

(b) **The director of the center shall prescribe for the center, subject to the approval of the state personnel department and the budget agency:**

(1) **a salary schedule, using a daily rate of pay for each teacher;**

(2) **an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

(3) **a severance benefit payable only to retiring teachers.**

The salary schedule, the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits prescribed under this subsection must be equal to those of the largest school corporation in the county in which the center is located.

(c) The director of the center shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule referred to in subsection (b).

(d) The hours of work for all teachers shall be set in accordance with IC 4-15-2.

SECTION 8. IC 16-33-3-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.7. (a) The grievance procedure established by this section applies to a teacher employed by the center instead of the grievance procedure described in IC 4-15-2-35.

(b) If a teacher who is employed by the center wishes to file a grievance concerning an action taken by the teacher's employer, the grievance must be filed according to the following procedure:

(1) The teacher may file a grievance with the teacher's immediate supervisor not more than thirty (30) days after the aggrieved action occurs.

(2) The supervisor shall respond to a grievance filed under subdivision (1) not more than two (2) working days after the supervisor receives the grievance.

(3) If the teacher is dissatisfied with the response under subdivision (2), the teacher may file a written grievance with the teacher's intermediate supervisor.

(4) The supervisor shall respond to a written grievance filed under subdivision (3) not more than four (4) working days after the supervisor receives the written grievance.

(5) If the teacher is dissatisfied with the response under subdivision (4), the teacher may file a written grievance with the superintendent of the institution in which the teacher is employed.

(6) The superintendent shall respond to a written grievance filed under subdivision (5) not more than ten (10) days after the superintendent receives the written grievance.

(7) If the teacher is dissatisfied with the response under subdivision (6), the teacher may file a written grievance with the state personnel director appointed under IC 4-15-1.8-3 not more than fifteen (15) days after the teacher receives the response under subdivision (6).

(8) The state personnel director shall respond to a written grievance filed under subdivision (7) not more than fifteen (15) days after the state personnel director receives the written grievance.

(9) If the teacher is dissatisfied with the response under subdivision (8), the teacher may file a written grievance with the state employees' appeals commission under 33 IAC 1 not more than fifteen (15) days after the teacher receives the response under subdivision (8).

(10) The state employees' appeals commission shall set a hearing date on the written grievance filed under subdivision (9) not more than thirty (30) days after the state employees' appeals commission receives the written grievance and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.

(11) If the teacher is dissatisfied with the response under subdivision (10), the teacher may submit the grievance to arbitration not more than fifteen (15) days after the teacher receives the response under subdivision (10).

(12) The arbitrator to which the grievance is submitted under subdivision (11) shall hold a hearing and shall render a decision not more than thirty (30) days after the hearing.

(c) An arbitrator to which a grievance is submitted under subsection (b)(11) must be selected from:

(1) the American Arbitration Association; or

(2) the Federal Mediation and Conciliation Service if an arbitrator is not available from the American Arbitration Association;

according to selection procedures established by the arbitrator's association or service.

(d) Costs of arbitration under this section shall be shared equally by the employer and the teacher or the teacher's organization.

(e) If the employer does not comply with the timelines set forth under subsection (b), the grievance proceeds to the next step of the procedure.

(f) A teacher who files a grievance under this section may choose a representative to represent the teacher in the grievance process under subsection (b).

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5."

Page 7, line 33, delete "and".

Page 7, line 34, delete "other wage and wage related benefits, including retirement".

Page 7, line 35, delete "and severance benefits." and insert "an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and

(3) a severance benefit payable only to retiring teachers."

Page 7, run in lines 34 through 35.

Page 7, line 36, delete "and benefits" and insert ", the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits".

Page 8, line 6, delete "." and insert "instead of the grievance procedure described in IC 4-15-2-35."

Page 8, line 18, delete "immediate" and insert "intermediate".

Page 8, line 42, delete "respond".

Page 9, line 1, delete "to" and insert "set a hearing date on".

Page 9, line 3, delete "." and insert "and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties."

Page 9, line 20, delete "association." and insert "organization."

Page 9, line 22, delete "the teacher prevails." and insert "the grievance proceeds to the next step of the procedure."

Page 9, between lines 25 and 26, begin a new paragraph and insert: "(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5."

Page 9, line 32, delete "and".

Page 9, line 33, delete "other wage and wage related benefits, including retirement".

Page 9, line 34, delete "and severance benefits." and insert "an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and

(3) a severance benefit payable only to retiring teachers."

Page 9, run in lines 33 through 34.

Page 9, line 35, delete "and benefits" and insert ", the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits".

Page 10, line 3, after "(a)" insert "The grievance procedure established by this section applies to a teacher employed by the school instead of the grievance procedure described in IC 4-15-2-35. (b)".

Page 10, line 14, delete "immediate" and insert "intermediate".

Page 10, line 38, delete "respond".

Page 10, line 39, delete "to" and insert "set a hearing date on".

Page 10, line 41, delete "." and insert "and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties."

Page 11, line 7, delete "(b)" and insert "(c)".

Page 11, line 8, delete "(a)(11)" and insert "(b)(11)".

Page 11, line 15, delete "(c)" and insert "(d)".

Page 11, line 16, delete "association." and insert "organization."

Page 11, line 17, delete "(d)" and insert "(e)".

Page 11, line 18, delete "(a), the teacher prevails." and insert "(b), the grievance proceeds to the next step of the procedure."

Page 11, line 19, delete "(e)" and insert "(f)".

Page 11, line 21, delete "(a)." and insert "(b)".

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5."

Page 11, line 28, delete "and".

Page 11, line 29, delete "other wage and wage related benefits, including retirement".

Page 11, line 30, delete "and severance benefits." and insert "**an additional amount, payable to each teacher as salary, equal to the total amount of employer contributions made to all locally established retirement plans; and**

(3) a severance benefit payable only to retiring teachers."

Page 11, run in lines 29 through 30.

Page 11, line 31, delete "and benefits" and insert ", **the employer contributions to locally established retirement plans on which the additional salary payment is based, and the severance benefits**".

Page 11, line 41, after "(a)" insert "**The grievance procedure established by this section applies to a teacher employed by the school instead of the grievance procedure described in IC 4-15-2-35. (b)**".

Page 12, line 10, delete "immediate" and insert "**intermediate**".

Page 12, line 34, delete "respond".

Page 12, line 35, delete "to" and insert "**set a hearing on**".

Page 12, line 37, delete "." and insert "**and shall render a decision not more than thirty (30) days after the date of the hearing, unless this period is extended by the written consent of all parties.**".

Page 13, line 3, delete "(b)" and insert "(c)".

Page 13, line 4, delete "(a)(11)" and insert "**(b)(11)**".

Page 13, line 11, delete "(c)" and insert "**(d)**".

Page 13, line 12, delete "association." and insert "**organization**".

Page 13, line 13, delete "(d)" and insert "**(e)**".

Page 13, line 14, delete "(a), the teacher prevails." and insert "**(b), the grievance proceeds to the next step of the procedure.**".

Page 13, line 15, delete "(e)" and insert "**(f)**".

Page 13, line 17, delete "(a)." and insert "**(b)**".

(g) The decision of the arbitrator is a final order subject to judicial review in accordance with IC 4-21.5-5.

Renumber all SECTIONS consecutively.

(Reference is to HB 1887 as printed February 22, 2001.)

PELATH

Motion prevailed. The bill was ordered engrossed.

Representative Dumezich was present.

House Bill 1894

Representative Dvorak called down House Bill 1894 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1894-4)

Mr. Speaker: I move that House Bill 1894 be amended to read as follows:

Page 7, delete lines 29 through 33.

Renumber all SECTIONS consecutively.

(Reference is to HB 1894 as printed February 22, 2001.)

LYTLE

Motion prevailed.

HOUSE MOTION (Amendment 1894-2)

Mr. Speaker: I move that House Bill 1894 be amended to read as follows:

Page 8, after line 36, begin a new paragraph and insert:

"SECTION 8. IC 36-4-3-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 23. A petition or remonstrance under this chapter must include the following on each page:**

(1) A digest providing an explanation of the purpose of the petition or remonstrance.

(2) A statement indicating that a property owner's signature on a:

(A) remonstrance indicates that the property owner is against the proposed annexation; or

(B) petition indicates that the property owner is in favor of the proposed annexation.

(3) A description of the territory of the proposed annexation, and the name of the municipality involved in the proposed annexation.

(4) An outline of the property tax consequences of the proposed annexation, including a comparison of the property tax rate of the municipality to the property tax rate of the area proposed to be annexed.

(5) The name, phone number, and address of the appropriate municipal official to contact to obtain:

(A) details of the fiscal plan for the proposed annexation; and

(B) the text of the proposed ordinance enacting the annexation.

(6) The name, phone number, and address of the county auditor along with a notation that the county auditor can provide property tax information on the area proposed to be annexed and on the municipality."

(Reference is to HB 1894 as printed February 22, 2001.)

MOCK

Motion prevailed.

HOUSE MOTION (Amendment 1894-3)

Mr. Speaker: I move that House Bill 1894 be amended to read as follows:

Page 7, between lines 33 and 34, begin a new paragraph and insert: "SECTION 7. IC 36-4-3-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 14.5. (a) The court having jurisdiction over an annexation initiated under section 3, 4, or 4.1 of this chapter shall award to the owner or owners of property within the area proposed to be annexed the sum that will in the opinion of the court reimburse the owner or owners of property within the area proposed to be annexed for reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the annexation proceedings if:**

(1) the court's final judgment is against the proposed annexation; or

(2) the proposed annexation is abandoned by the municipality.

(b) An award made under subsection (a) must be paid by the municipality attempting to annex the territory."

Renumber all SECTIONS consecutively.

(Reference is to HB 1894 as printed February 22, 2001.)

MOCK

Upon request of Representatives Mock and Bosma, the Chair ordered the roll of the House to be called. Roll Call 294: yeas 40, nays 55. Motion failed. The bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

House Bill 1909

Representative Stevenson called down House Bill 1909 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1909-1)

Mr. Speaker: I move that House Bill 1909 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4. The law enforcement assistance fund is established to provide money to agencies to increase the number of officers on patrol in the community and to provide training to law enforcement officers in areas not covered by law enforcement training councils as set forth in IC 5-2-14. The fund consists of the following:**

(1) Appropriations made by the general assembly.

(2) Any other public or private source.

(3) Funds deposited in supplemental training accounts under IC 33-19-8-9.

SECTION 2. IC 5-2-13-4.5 IS ADDED TO THE INDIANA CODE AS

A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. (a) There are established, within the law enforcement assistance fund, supplemental training accounts. Each town, city, or county that is not within an area served by a regional law enforcement training council shall have funds deposited in a supplemental training account in the manner set forth under IC 33-19-8-9. There shall be one (1) supplemental training account for each county that does not fall within an area served by a regional law enforcement training fund. Each town or city that is located in the county shall have funds deposited in a supplemental training account for that county.

(b) To receive money from a supplemental training account a town, city, or county agency shall submit an application for a grant that:

- (1) indicates it is not within an area covered by a regional law enforcement training council;
- (2) states the type of training that will be conducted;
- (3) states why the training is necessary; and
- (4) indicates the cost of the training.

SECTION 3. IC 5-2-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) An agency may apply to the criminal justice institute to receive grants from the fund under this chapter.

(b) The criminal justice institute shall approve or deny a grant application submitted under this chapter.

(c) An agency may receive a grant:

- (1) in the amount of one hundred thousand dollars (\$100,000) to train, equip, and pay the first three (3) years' salary for one (1) officer; ~~An agency may receive a grant~~
- (2) for an amount of up to one hundred thousand dollars (\$100,000) to purchase equipment or hire and train persons to permit the agency to increase by one (1) the number of officers on patrol in the community; or
- (3) for an amount determined by the institute to provide training for officers in a town, city, or county that is not within an area covered by a regional law enforcement training council.

An agency may receive more than one (1) grant under this chapter.

(d) A grant awarded under this chapter must be used to supplement funds available to an agency, and an agency may not use a grant to replace funds that the agency would normally spend for training, personnel, equipment, and other agency expenses.

(e) A grant awarded under subsection (c)(3):

- (1) may be used only for training of officers within that county; and
- (2) may not reduce the amount of a grant that an agency is eligible for under subsection (c)(1) or (c)(2)."

Page 1, line 13, delete "regional law enforcement training council must be".

Page 1, delete line 14.

Page 1, line 15, delete "(1) a".

Page 1, run in lines 13 through 15.

Page 1, line 16, delete "; and" and insert ".".

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, line 7, delete "wholly or".

Page 2, line 8, delete "predominantly".

Page 2, line 12, delete "wholly or".

Page 2, line 13, delete "predominantly".

Page 2, line 15, delete "wholly or predominantly".

Page 2, line 22, delete "wholly or predominantly".

Page 5, line 11, delete "if the clerk is" and insert "as".

Page 5, line 11, delete "to do so".

Page 5, line 12, delete "IC 5-2-14-2(1)" and insert "IC 5-2-13-2".

Page 6, line 12, after "(b)" insert "This subsection applies only to a town, city, or county that is within an area served by a regional law enforcement training council."

Page 6, after line 17, begin a new paragraph and insert:

"(c) This subsection applies to a town, city, or county that does not fall within an area served by a regional law enforcement training council. The county auditor or fiscal officer of a city or town shall distribute the regional law enforcement training fees deposited in

city or town user fee fund or county user fee fund to the supplemental training account for the county as established under IC 5-2-13-4.5."

Renumber all SECTIONS consecutively.

(Reference is to HB 1909 as printed February 27, 2001.)

STEVENSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1964

Representative Herrell called down House Bill 1964 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1964-1)

Mr. Speaker: I move that House Bill 1964 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) An offender shall register with each local law enforcement authority having jurisdiction in the area where the offender resides or intends to reside for more than seven (7) days. The offender shall register not more than seven (7) days after the offender arrives at the place where the offender resides or intends to reside.

(b) Whenever an offender registers with a local law enforcement authority under subsection (a), the local law enforcement agency shall immediately notify the institute of the offender's registration.

(c) If required to do so under section 6(b) of this chapter, the local law enforcement authority with which an offender registers under this section shall submit to the institute a photograph of the offender. The photograph shall be included on the Internet site that is maintained for the sex and violent offender registry by the institute."

Page 1, line 2, after "Sec. 6." insert "(a)".

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"(b) The photograph required by subsection (a)(3) shall be provided:

(1) by the offender; or

(2) by the law enforcement authority with which the offender registers under section 5 of this chapter, if the offender does not have a recent photograph.

If the law enforcement authority provides the photograph, the offender shall reimburse the law enforcement authority for the cost of providing the photograph."

Renumber all SECTIONS consecutively.

(Reference is to HB 1964 as printed February 28, 2001.)

HERRELL

Motion prevailed. The bill was ordered engrossed.

House Bill 1973

Representative Friend called down House Bill 1973 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1973-2)

Mr. Speaker: I move that House Bill 1973 be amended to read as follows:

Page 1, strike lines 4 through 8.

Page 1, line 9, delete "(3)" and insert "(1)".

Page 1, line 10, strike "and".

Page 1, strike lines 11 through 12.

Page 1, line 13, delete "(5)" and insert "(2)".

Page 1, line 13, delete "ethanol" and insert "renewable fuels".

Page 1, line 14, after ";" insert "and".

Page 1, after line 14, begin a new subparagraph and insert:

"(3) to access federal government monies available to the State to further the market development activities described in subsections (1) and (2) of this section."

Page 1, delete lines 15 through 17.

Page 2, delete line 1.

Page 2, line 15, after "Each" insert "elected".

Page 2, line 42, after "office" insert "representing first purchaser

organizations".

Page 3, after line 4, begin a new subparagraph and insert:

"(d) When an appointed council member's office representing the General Assembly becomes vacant before the expiration of the member's term of office, the commissioner of agriculture shall fill the vacancy by appointing a replacement member who represents the General Assembly and is a member of the same political party as the appointed council member who vacated the office. The appointee shall serve for the remainder of the unexpired term."

Page 3, delete lines 11 through 13.

Page 4, delete lines 5 through 6.

Page 4, after line 11, begin a new subparagraph and insert:

"(d) The commissioner of agriculture shall appoint two (2) members of the General Assembly to serve as members of the council. These appointed members shall at all times be members of different political parties. Notwithstanding any other law, the members appointed under this section shall be entitled to receive the per diem of members of the General Assembly for time spent in attendance at the meetings of the council. Per diem of these members shall be paid by the council upon approval of the director."

Page 5, strike lines 16 through 17.

Page 5, line 18, strike "(12)" and insert "(11)".

Page 5, line 21, strike "(13)" and insert "(12)".

Page 5, line 28, strike "by first".

Page 5, line 29, strike "purchasers".

Page 5, line 38, delete "The council may pay for infrastructure development".

Page 5, delete lines 39 through 40.

Page 6, line 8, after "and" insert **"shall be collected by the first purchaser unless the producer exercises the option under subsection (b) to be excluded from the assessment."**

Page 6, line 8, delete "may be imposed and collected only if the".

Page 6, delete line 9.

Page 6, line 10, delete "procedures described in subsection (b).".

Page 6, line 12, delete "Annually, and in" and insert **"In"**.

Page 6, line 13, after "purchaser" insert "following June 30, 2001".

Page 6, line 13, after "shall" insert **"make available to the producer the form granting the producer the option to be excluded from the assessment and inform the producer of the option to be excluded."**

Page 6, line 13, delete "have".

Page 6, line 14, delete "the producer" and insert **"If the producer desires to be excluded from the assessment, the producer shall"**.

Page 6, line 15, delete "participate in or decline" and insert **"be excluded from"**.

Page 6, line 16, delete "an" and insert **"a"**.

Page 6, line 17, delete "annual".

Page 6, line 17, delete "participate in or decline" and insert **"be excluded from"**.

Page 6, line 18, before "The" insert **"A completed form by a producer shall remain in effect until repealed in writing by the producer and delivered to the first purchaser."**

Page 6, line 20, after "subsection" insert **"and distribute the form to the first purchaser prior to July 1, 2001. The council shall reimburse the office of the commissioner of agriculture for the costs of preparation and distribution of the forms required by this subsection from the funds the council receives under this chapter."**

Page 6, line 21, delete "fifty (50)".

Page 6, line 21, after "bag" insert **"one dollar (\$1.00) per unit is imposed on all seed corn sold in Indiana by a qualified seed retailer who sold greater than fifty thousand (50,000) units of seed corn in the previous calendar year. An assessment of fifty (50) cents per unit is imposed on all seed corn sold in Indiana by a qualified seed retailer who sold greater than ten thousand (10,000) units, but less than fifty thousand one (50,001) units of seed corn, in the previous calendar year. The assessment on a quantity of seed corn shall be collected and remitted by the qualified seed retailer. For the purposes of this chapter, a qualified seed retailer of a quantity of seed corn is the owner of that seed corn whose seed corn is sold at the first point of sale."**

Page 6, line 22, delete "cents per unit".

Page 6, line 22, strike "is imposed on all seed corn sold in Indiana. The".

Page 6, strike lines 23 through 25.

Page 6, line 26, after "producer" insert **"does not"**.

Page 6, line 26, delete "indicates" and insert **"indicate"**.

Page 6, line 26, after "be" insert **"excluded from the assessment permitted under subsection (a) by following"**.

Page 6, line 26, delete "assessed".

Page 6, line 27, delete "under".

Page 6, after line 40, begin a new subparagraph and insert:

"(f) The assessment collected under subsection (c) of this section shall be remitted to the council twice yearly. Assessments collected from January 1 through June 30 of each year shall be remitted to the council by August 14 of that year. Assessments collected from July 1 through December 31 shall be remitted to the council by February 14 of the following year. A qualified seed retailer who remit all assessments collected during a period within fifteen (15) days after the end of the period is entitled to retain three percent (3%) of the total assessments as a handling fee for assessments remitted."

Page 6, after line 42, begin a new paragraph and insert:

"SECTION 12. IC 15-4-10-27 IS AMENDED TO READ AS FOLLOWS: Sec. 27. (a) A first purchaser and a qualified seed retailer shall keep detailed records of all assessments collected and remitted under this chapter.

(b) Upon request, a first purchaser and a qualified seed retailer shall supply the council with any information from records kept under subsection (a)."

Page 7, before line 1, begin a new paragraph and insert:

"SECTION 13. IC 15-4-10-30 IS AMENDED TO READ AS FOLLOWS: Sec. 30. (a) If a first purchaser or a qualified seed retailer fails fail to remit the assessments collected during a period defined in section 26(e) 26 of this chapter within forty-five (45) days after the end of the period, the council shall contact the first purchaser or the qualified seed retailer and allow the first purchaser or the qualified seed retailer to present comments to the council concerning:

- (1) the status and amount of the assessments due; and**
- (2) any reasons why the council should not bring legal action against the first purchaser or the qualified seed retailer.**

(b) After allowing a first purchaser or a qualified seed retailer the opportunity to present comments, the council:

- (1) shall adjust the amount of the assessments due, if the first purchaser's or qualified seed retailer's comments reveal that the council's figure is inaccurate; and**
- (2) may assess a penalty against the first purchaser or qualified seed retailer of no more than ten percent (10%) of the amount of any assessments not remitted within forty-five (45) days after the end of the period.**

(c) If a first purchaser or the qualified seed retailer fails to remit assessments after being allowed to present comments under subsection (a) or to pay any penalty assessed under subsection (b), the council may bring a civil action against the first purchaser or the qualified seed retailer in the circuit, superior, or municipal court of any county. The action shall be tried and a judgment rendered as in any other proceeding for the collection of a debt. In an action under this subsection, the council may obtain:

- (1) a judgment in the amount of all unremitted assessments and any unpaid penalty; and**
- (2) an award of the costs of bringing the action."**

Page 7, after line 2, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE MAY 15, 2001] IC 15-4-10-28 IS REPEALED.

Renumber all SECTIONS consecutively.

(Reference is to HB 1973 as printed February 27, 2001.)

FRIEND

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Crosby.

House Bill 1975

Representative Friend called down House Bill 1975 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1975-1)

Mr. Speaker: I move that House Bill 1975 be amended to read as follows:

Page 2, after line 29, begin a new paragraph and insert:

"Sec. 6. A producer may use for seed in subsequent crop years any grain grown from a commercially produced seed stock. Notwithstanding any other law, this right may not be waived by contract."

(Reference is to HB 1975 as printed February 28, 2001.)

FRIEND

Motion prevailed. The bill was ordered engrossed.

House Bill 1979

Representative Fry called down House Bill 1979 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1979-6)

Mr. Speaker: I move that House Bill 1979 be amended to read as follows:

Page 4, line 19, delete "subsection (1)(b)." and insert **"section (1)(b) of this chapter."**

Page 4, line 21, delete "subsection" and insert **"section"**.

Page 4, between lines 30 and 31, begin a new paragraph and insert:
"Sec. 4. (a) When petitioning the commission under IC 8-1-8.5 or IC 8-1-2.5, a merchant power plant must establish proof of financial responsibility by filing one (1) or a combination of the following with the commission:

- (1) A fully funded trust fund agreement.
- (2) A surety bond with a standby trust fund agreement.
- (3) A letter of credit with a standby trust fund agreement.
- (4) An insurance policy with a standby trust fund agreement.
- (5) Proof that the merchant power plant meets a financial test established by the commission and equivalent to one (1) of the items in subdivisions (1) through (4).

(b) The amount of financial responsibility that a merchant power plant must establish under this section shall be determined by the commission. In all cases, the amount must be sufficient to close the merchant power plant in a manner that:

- (1) minimizes the need for further maintenance and remediation; and
- (2) provides reasonable, foreseeable, and necessary maintenance and remediation after closure for at least twenty (20) years after the merchant power plant ceases operations.

(c) The commission may use:

- (1) a trust fund agreement;
- (2) a surety bond;
- (3) a letter of credit;
- (4) an insurance policy; or
- (5) other proof of financial responsibility;

filed under this section for the closure or post-closure monitoring, maintenance, or remediation of a merchant power plant approved by the commission, if the merchant power plant does not comply with closure or post-closure standards established by the commission under subsection (d).

(d) The commission shall adopt rules under IC 4-22-2 to establish the following:

- (1) Standards for the proper closure and post-closure monitoring, maintenance, and remediation of merchant power plants.
- (2) Criteria for how money in a trust fund agreement, a surety bond, a letter of credit, an insurance policy, or other proof of financial responsibility provided by a merchant power plant may be released to the merchant power plant when the merchant power plant meets the closure and post-closure standards established under subdivision (1)."

Page 4, line 31, delete "Sec. 4." and insert **"Sec. 5."**

Page 4, line 40, delete "Sec. 5." and insert **"Sec. 6."**

Page 5, line 2, after "the" delete "

Page 5, line 18, delete "IC 8-1-8.3-3(2)(C)," and insert **"IC 8-1-8.3-3(2)(C),"**.

(Reference is to HB 1979 as printed February 28, 2001.)

T. ADAMS

Motion prevailed.

HOUSE MOTION
(Amendment 1979-7)

Mr. Speaker: I move that House Bill 1979 be amended to read as follows:

Page 4, line 19, delete "subsection (1)(b)." and insert **"section 1(b) of this chapter."**

Page 4, line 21, delete "subsection (1)(a)" and insert **"section 1(a)"**.

Page 4, line 21, delete "an" and insert **"a"**.

Page 4, line 22, delete "application" and insert **"petition"**.

Page 4, line 22, after "commission" insert **"under IC 8-1-2.5 or IC 8-1-8.5"**.

Page 4, line 23, after "Sec. 3." insert **"(a)"**.

Page 4, line 24, delete "IC 8-1-8.5" and insert **"IC 8-1-2.5"**.

Page 4, line 25, delete "IC 8-1-2.5:" and insert **"IC 8-1-8.5:"**.

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"(b) The commission shall issue a decision either approving or denying a merchant power plant's petition under IC 8-1-2.5 or IC 8-1-8.5 not later than eighteen (18) months after the date of the petition."

Page 5, line 2, delete "the commission" insert **"the commission"**.

Page 5, line 18, delete "IC 8-1-8.3-3(2)(C)," and insert **"IC 8-1-8.3-3(2)(C),"**.

(Reference is to HB 1979 as printed February 28, 2001.)

T. ADAMS

Motion prevailed.

HOUSE MOTION
(Amendment 1979-8)

Mr. Speaker: I move that House Bill 1979 be amended to read as follows:

Page 4, line 19, delete "subsection (1)(b)." and insert **"section 1(b) of this chapter."**

Page 4, line 21, delete "subsection (1)(a)" and insert **"section (1)(a) of this chapter"**.

Page 4, line 21, delete "an" and insert **"a"**.

Page 4, line 22, delete "application" and insert **"petition"**.

Page 4, line 24, delete "IC 8-1-8.5" and insert **"IC 8-1-2.5"**.

Page 4, line 25, delete "IC 8-1-2.5:" and insert **"IC 8-1-8.5:"**.

Page 4, line 31, after "4." insert **"(a) Not later than seven (7) days after filing a petition under IC 8-1-2.5 or IC 8-1-8.5, a merchant power plant shall:**

- (1) send notice of the petition by United States mail to all record owners of real property located within one-half (1/2) mile of the proposed facility; and
- (2) cause notice of the petition to be published in a newspaper of general circulation in each county in which the facility or proposed facility is or will be located.

(b) The notice of the petition shall include:

- (1) a description of the facility or proposed facility; and
- (2) the location, date, and time of the field hearing required by section 5 of this chapter.

Sec. 5. Not later than thirty (30) days after filing a petition under IC 8-1-2.5 or IC 8-1-8.5, a merchant power plant shall conduct a field hearing at a location in a county in which the facility or proposed facility is or will be located. The purpose of the field hearing is to determine local support for the merchant power plant.

Sec. 6. Not later than thirty (30) days after the field hearing required by section 5 of this chapter, a majority of the persons described in section 4(a)(1) of this chapter may request in writing a hearing before the commission.

Sec. 7. (a) Not later than thirty (30) days after a hearing is requested under section 6 of this chapter, the commission shall

conduct a hearing at a location in a county in which the facility or proposed facility is or will be located. The hearing required by this subsection must be held:

- (1) before or at the same time as the hearing required under IC 8-1-8.5-5(b); and
 - (2) before the commission issues a certificate of public convenience and necessity under IC 8-1-8.5.
- (b) At least ten (10) days before the scheduled hearing, notice of the hearing must be served by first class mail on:
- (1) all record owners of property located within one-half (1/2) mile of the proposed facility; and
 - (2) the merchant power plant.
- (c) The parties to the hearing include:
- (1) a person entitled to notice under section 7(b)(1) of this chapter; and
 - (2) the merchant power plant.
- (d) The commission shall accept written or oral testimony from any person who appears at the public hearing, but the right to call and examine witnesses is reserved for the parties to the hearing.
- (e) The commission shall make a record of the hearing and all testimony received. The commission shall make the record available for public inspection.

Sec. 8. Not later than forty-five (45) days after a hearing is conducted under section 7 of this chapter, the commission shall issue written findings based on the testimony presented at the hearing. To the extent the commission's findings differ from testimony presented at the hearing, the commission must explain its findings.

Sec. 9."

Page 4, line 40, delete "5." and insert "**10.**".

Page 5, line 2, delete "the commission" and insert "**the commission**".

Page 5, line 18, delete "IC 8-1-8.3-3(2)(C)" and insert "**IC 8-1-8.3-3(2)(C)**".

(Reference is to HB 1979 as printed February 28, 2001.)

T. ADAMS

Motion prevailed.

HOUSE MOTION
(Amendment 1979-1)

Mr. Speaker: I move that House Bill 1979 be amended to read as follows:

Page 4, between lines 30 and 31, begin a new line block indented and insert:

"(6) The recommendation of the department of natural resources under section 5 of this chapter."

Page 4, line 40, after "5." insert "(a) For purposes of this section:

- (1) "department" refers to the department of natural resources; and
- (2) "water resource" has the meaning set forth in IC 14-25-7-8.

(b) When considering whether to approve a merchant power plant, the commission shall obtain a recommendation from the department regarding the merchant power plant's planned use of and its potential effect on the water resource.

(c) To make its recommendation, the department may do the following:

- (1) Rely on the merchant power plant's water resource assessment under subsection (d).
- (2) Consult with and advise users of the water resource.
- (3) Enter upon any land or water in Indiana to evaluate the effect of the merchant power plant on the water resource.
- (4) Conduct studies to evaluate the availability and most practical method of withdrawal, development, conservation, and use of the water resource.
- (5) Require metering or other reasonable measuring of water withdrawals and reporting of the measurement to the department.
- (6) Engage in any other activity necessary to carry out the purposes of this section.

(d) A merchant power plant shall provide an assessment of its effect on the water resource and its users to the commission and the department. The assessment shall be prepared by a licensed professional geologist (as defined in IC 25-17.6-1-6.5) or an engineer licensed under IC 25-31-1. The assessment must include the following information:

- (1) Sources of water supply.
- (2) Total amount of water to be used by the merchant power plant for each source
- (3) Location of wells or points of withdrawal.
- (4) Ability of the water resource to meet the needs of the merchant power plant and other users.
- (5) Probable effects of the merchant power plant's use and consumption of the water resource on other users.
- (6) Alternative sources of water supply.
- (7) Conservation measures proposed by the merchant power plant for reducing the plant's effect on the water resource.
- (8) Other information required by any other law, rule, or regulation.

Sec. 6."

(Reference is to HB 1979 as printed February 28, 2001.)

YOUNT

Motion prevailed.

HOUSE MOTION
(Amendment 1979-10)

Mr. Speaker: I move that House Bill 1979 be amended to read as follows:

Page 4, line 19, delete "subsection (1)(b)." and insert "**section 1(b) of this chapter.**".

Page 4, line 21, delete "subsection (1)(a)" and insert "**section 1(a)**".

Page 4, line 21, delete "an" and insert "**a**".

Page 4, line 22, delete "application" and insert "**petition**".

Page 4, line 22, after "commission" insert "**under IC 8-1-2.5 or IC 8-1-8.5**".

Page 4, line 24, delete "IC 8-1-8.5" and insert "**IC 8-1-2.5**".

Page 4, line 25, delete "IC 8-1-2.5:" and insert "**IC 8-1-8.5**".

Page 4, line 30, after "electric" insert "**, water, and natural gas**".

Page 5, line 2, delete "the commission" insert "**the commission**".

Page 5, line 18, delete "IC 8-1-8.3-3(2)(C)," and insert "**IC 8-1-8.3-3(2)(C)**".

(Reference is to HB 1979 as printed February 28, 2001.)

CROOKS

Motion prevailed.

HOUSE MOTION
(Amendment 1979-9)

Mr. Speaker: I move that House Bill 1979 be amended to read as follows:

Page 3, line between lines 36 and 37, begin a new paragraph and insert:

"Sec. 1. This chapter does not apply to a merchant power plant that has filed a petition with the commission under IC 8-1-2.5 before March 1, 2001, seeking an order that the commission decline to exercise, in whole or in part, its jurisdiction over the merchant power plant."

Page 3, line 37, delete "1." and insert "**2.**".

Page 4, line 16, delete "2. (a) A" and insert "**3. Except as provided in section 1 of this chapter, a**".

Page 4, delete lines 18 through 22.

Page 4, line 23, delete "3." and insert "**4.**".

Page 4, line 31, delete "4." and insert "**5.**".

Page 4, line 40, delete "5." and insert "**6.**".

(Reference is to HB 1979 as printed February 28, 2001.)

CROOKS

Representatives Crosby, Gregg, and Mannweiler were excused from voting. Upon request of Representatives Munson and D. Young, the Chair ordered the roll of the House to be called. Roll Call 295: yeas 73, nays 20. Motion prevailed.

HOUSE MOTION
(Amendment 1979-3)

Mr. Speaker: I move that House Bill 1979 be amended to read as follows:

Page 3, between lines 36 and 37, insert:

"Sec. 1.(a) As used in this chapter, "cumulative environmental impact" refers to the cumulative impact on public health and the environment of:

- (1) a facility that is subject to this chapter; and
- (2) other facilities that are in existence, under construction, or reasonably foreseeable within the area of impact of the facility subject to this chapter.

(b) As used in this section, "environment" includes:

- (1) air;
- (2) land;
- (3) ground and surface water."

Page 3, line 37, delete "1" and insert "2".

Page 4, line 16, delete "2" and insert "3".

Page 4, line 23, delete "3" and insert "4".

Page 4, between lines 30 and 31, insert:

"(6) Cumulative environmental impact."

Page 4, line 31, delete "4" and insert "5".

Page 4, line 40, delete "5" and insert "6".

Page 5, between lines 9 and 10, insert:

"Sec. 6 (a) The petitioner shall submit, along with its petition, a fee of fifty thousand dollars (\$50,000) to be applied toward the cost of the environmental study required under this section.

(b) The petition and fee shall be forwarded to the office of utility consumer counselor.

(c) Any money that is submitted under subsection (a) and that remains after the costs described in that subsection have been paid shall be returned to the petitioner.

Sec.7. The office of utility consumer counselor shall commission an independent consultant to assess the consequences of the facility or proposed facility on the environment. The consultant's study must examine the following possible effects attending the construction, maintenance, or operation of the facility:

- (1) Air emissions.
- (2) Water discharges and consumption.
- (3) Noise, including ambient volume and frequency levels.
- (4) The cumulative environmental impact.

The office of utility consumer counselor shall introduce consultant's study into evidence with the commission."

(Reference is to HB 1979 as printed February 28, 2001.)

YOUNT

Representative Mannweiler was excused from voting. Upon request of Representatives Yount and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 296: yeas 35, nays 55. Motion failed.

HOUSE MOTION
(Amendment 1979-4)

Mr. Speaker: I move that House Bill 1979 be amended to read as follows:

Page 5, after line 9, begin a new subparagraph and insert:

"Sec. 6. (a) Within seven (7) days of receiving a petition for approval or denial of a merchant power plant, the commission shall notify via certified mail the county, municipal, or area zoning or planing officials of the county in or municipality in which a merchant power plant is proposed.

(b) On forms developed by the commission, county, municipal, or area zoning or planning officials may petition the commission within thirty (30) days for zoning jurisdiction over the siting of a merchant power plant. The county, municipal, or area zoning or planning officials must address the following issues in petitioning the commission:

- (1) local current and future land use plans;
- (2) local environmental impacts;
- (3) local water usage impacts;
- (4) impacts on local land owners;
- (5) other issues considered relevant to local officials.

(c) After notice and hearing, the commission shall issue a decision either granting or denying the petitioners' request for zoning jurisdiction not later than seven (7) days after completion of the hearing.

(d) If the commission grants the petition, county, municipal, or area zoning or planning officials may deny or approve the construction of the merchant power plant.

(e) If county, municipal, or area zoning or planning officials deny the construction of the merchant power plant, the petitioner may not construct the merchant power plant.

(f) If the county, municipal, or area zoning or planning officials approve the construction of the merchant power plant, the commission shall make the final determination to approve or deny the construction and operation of the plant in accordance with this chapter.

(g) If the commission has not granted zoning authority under this section, the commission must determine whether the construction or operation of a merchant power plant is in the best interest of local citizens. In making this determination, the commission shall consider written or oral testimony or evidence submitted by local parties to the commission."

Renumber all SECTIONS consecutively.

(Reference is to HB 1979 as printed February 28, 2001.)

YOUNT

Motion failed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:10 p.m. with the Speaker in the Chair.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 6, 2001 at 9:00 a.m.

LYTLE

Motion prevailed.

HOUSE BILLS ON SECOND READING

House Bill 1982

Representative Stilwell called down House Bill 1982 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1982-3)

Mr. Speaker: I move that House Bill 1982 be amended to read as follows:

Page 12, delete lines 26 through 42.

(Reference is to HB 1982 as printed February 21, 2001.)

STILWELL

Motion prevailed.

HOUSE MOTION (Amendment 1982-2)

Mr. Speaker: I move that House Bill 1982 be amended to read as follows:

Page 6, reset in roman lines 39 through 42.

Page 7, reset in roman lines 1 through 2.

Page 7, line 3, reset in roman "next higher even dollar amount."

Page 7, line 6, after "balance." insert "The maximum benefit amount may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period."

Page 7, line 7, reset in roman "(c)".

Page 7, line 7, delete "(b)".

Page 7, line 11, reset in roman "(A)".

Page 7, line 11, after "he" insert "the individual".

Page 7, line 11, reset in roman "left to accept with another employee previously secured".

Page 7, reset in roman line 12.
 Page 7, line 13, reset in roman "expectation of betterment of wages or working conditions".
 Page 7, line 13, after "conditions" insert ";".
 Page 7, line 16, reset in roman "(B)".
 Page 7, line 16, delete "(A)".
 Page 7, line 21, reset in roman "(C)".
 Page 7, line 21, delete "(B)".
 Page 8, line 36, reset in roman "(d)".
 Page 8, line 36, delete "(c)".
 Page 10, reset in roman lines 4 through 9.
 Page 10, line 12, after "balance." insert **"The maximum benefit amount of the individual's current claim may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period."**

Page 10, line 13, reset in roman "(e)".

Page 10, line 13, delete "(d)".

Page 10, line 30, reset in roman "(f)".

Page 10, line 30, delete "(e)".

Page 11, line 3, reset in roman "(g)".

Page 11, line 3, delete "(f)".

Page 11, line 3, reset in roman "(e)".

Page 11, line 3, delete "(d)".

Page 11, line 10, reset in roman "(e)".

Page 11, line 10, delete "(d)." and insert ".".

Page 11, line 11, reset in roman "(h)".

Page 11, line 11, delete "(g)".

Page 11, line 34, reset in roman "(i)".

Page 11, line 34, delete "(h)".

Page 11, line 36, reset in roman "(g)".

Page 11, line 36, delete "(f)".

Page 11, line 36, reset in roman "(h)".

Page 11, line 36, after "subsection (h)" delete "(g)".

(Reference is to HB 1982 as printed February 21, 2001.)

STILWELL

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1056

Representative Duncan called down Engrossed House Bill 1056 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 297: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman, Bray, and Alexa.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1206, 2001, 2100, 2146, and 2147.

House Bill 2026

Representative Kersey called down House Bill 2026 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 2026-1)

Mr. Speaker: I move that House Bill 2026 be amended to read as follows:

Page 3, line 28, delete "shall" and insert **"may"**.

(Reference is to HB 2026 as printed February 27, 2001.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

House Bill 2034

Representative Kruzan called down House Bill 2034 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 2034-1)

Mr. Speaker: I move that House Bill 2034 be amended to read as follows:

Page 1, line 11, delete "point of entry" and insert **"onset of need for services"**.

Page 4, delete lines 4 through 6.

Page 4, line 7, delete "(d)" and insert **"(c)"**.

(Reference is to HB 2034 as printed February 20, 2001.)

KRUZAN

Motion prevailed. The bill was ordered engrossed.

House Bill 2085

Representative Klinker called down House Bill 2085 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 2085-1)

Mr. Speaker: I move that House Bill 2085 be amended to read as follows:

Page 2, line 7, delete ":-".

Page 2, line 8, delete "(A)".

Page 2, line 8, strike "at least twenty (20) years service with the department,".

Page 2, line 8, delete "in".

Page 2, delete line 9.

Page 2, line 10, delete "(B)".

Page 2, line 10, delete ", in".

Page 2, line 11, delete "the case of an employee who retires after June 30, 2001".

Page 2, run in lines 7 through 11.

Page 2, line 34, strike "up" and insert **"over twenty (20) years"**.

Page 2, line 34, after "to" insert **"a maximum of"**.

(Reference is to HB 2085 as printed February 27, 2001.)

KLINKER

Motion prevailed. The bill was ordered engrossed.

House Bill 2091

Representative Klinker called down House Bill 2091 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 2091-7)

Mr. Speaker: I move that House Bill 2091 be amended to read as follows:

Page 2, line 40, delete "animal" and insert **"pet"**.

Page 9, line 37, delete "IC 9-18-47" and insert **"this chapter"**.

(Reference is to HB 2091 as printed February 27, 2001.)

KLINKER

Motion prevailed.

HOUSE MOTION
 (Amendment 2091-4)

Mr. Speaker: I move that House Bill 2091 be amended to read as follows:

Page 3, between lines 11 and 12, begin a new paragraph and insert: **"SECTION 2. IC 9-18-18-3 IS AMENDED TO READ AS FOLLOWS: Sec. 3. The bureau:**

(1) may design and issue disabled veteran license plates to implement this chapter, **which design shall include the official international wheelchair symbol**; and

(2) shall administer this chapter relating to proper certification for a person applying for a disabled veteran license plate."

Renumber all SECTIONS consecutively.

(Reference is to HB 2091 as printed February 27, 2001.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 2091-5)

Mr. Speaker: I move that House Bill 2091 be amended to read as follows:

Page 12, delete lines 14 through 42.
Page 13, delete lines 1 through 11.
Renumber all SECTIONS consecutively.
(Reference is to HB 2091 as printed February 27, 2001.)

WHETSTONE

Motion prevailed.

Representative Klinker withdrew the call on House Bill 2091.

House Bill 2104

Representative Porter called down House Bill 2104 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 2104-1)

Mr. Speaker: I move that House Bill 2104 be amended to read as follows:

Page 1, line 15, delete "may not implement a program" and insert "**shall review the school corporation's programs to determine if the school corporation's practices**".

Page 1, line 16, after "(1)" insert "**of separating students by ability; (2)**".

Page 2, line 17, delete "(2)" and insert "(3)".

Page 2, line 1, delete "that has" and insert "**have**".

(Reference is to HB 2104 as printed February 27, 2001.)

PORTER

Motion prevailed. The bill was ordered engrossed.

House Bill 2115

Representative V. Smith called down House Bill 2115 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 2115-2)

Mr. Speaker: I move that House Bill 2115 be amended to read as follows:

Page 1, line 4, delete "require a confined offender to incur" and insert "**impose**".

Page 1, line 5, after "fee" insert "**for contractor 0+, 00-, and 01+ calls made by a confined offender that is**".

Page 1, line 11, delete "or".

Page 1, line 12, after "(3)" insert "**commission; or (4)**".

Page 2, line 1, delete "require a confined offender to incur" and insert "**impose**".

Page 2, line 2, after "fee" insert "**for contractor 0+, 00-, and 01+ calls made by a confined offender that is**".

Page 2, line 9, delete "or".

Page 2, line 10, after "(3)" insert "**commission; or (4)**".

Page 2, line 16, delete "require a confined offender to incur" and insert "**impose**".

Page 2, line 17, after "fee" insert "**for contractor 0+, 00-, and 01+ calls made by a confined offender that is**".

Page 2, line 23, delete "or".

Page 2, line 24, after "(3)" insert "**commission; or (4)**".

Page 2, line 30, delete "require a confined offender to incur" and insert "**impose**".

Page 2, line 31, after "fee" insert "**for contractor 0+, 00-, and 01+ calls made by a confined offender that is**".

Page 2, line 37, delete "or".

Page 2, line 38, after "(3)" insert "**commission; or (4)**".

Page 3, line 2, delete "require a confined offender to incur" and insert "**impose**".

Page 3, line 3, after "fee" insert "**for contractor 0+, 00-, and 01+ calls made by a confined offender that is**".

Page 3, line 9, delete "or".

Page 3, line 10, after "(3)" insert "**commission; or (4)**".

(Reference is to HB 2115 as printed February 28, 2001.)

V. SMITH

Motion prevailed.

HOUSE MOTION
(Amendment 2115-3)

Mr. Speaker: I move that House Bill 2115 be amended to read as follows:

Page 1, line 3, delete "The telephone calling system provided".

Page 1, delete lines 4 through 7.

Page 1, line 8, delete "board of accounts." and insert "(a) **This section applies to a telephone calling system provided for confined offenders.**"

(b) **The amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender shall reflect on a one for one basis all discounts and commissions offered by a telecommunications provider to the department, including any facility or employee of the department, through the request for proposal ("RFP") bidding process.**

(c) **If the amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender does not reflect on a one for one basis all discounts and commissions received through the RFP bidding process by the department, including any facility or employee of the department, the department shall do one (1) of the following:**

(1) **The department may refund on a prorated basis all discounts and commissions received from a telecommunications provider under the process described in subsection (d).**

(2) **The department, through the State of Indiana, may submit a new RFP for a custom network service for public telephone interlata, intrastate, and interstate long distance services for confined offenders. At a minimum, the RFP shall contain the following:**

(A) **Any security and fraud control services considered necessary by the department, including the use of 0+ collect calling services as the sole means of confined offender communications with the general population.**

(B) **A prohibition against the receipt by the department, including any facility or employee of the department, of any fee, discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.**

(d) **A person may claim a refund from the department by providing the department a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the department shall refund to the person that portion of the charges for contractor 0+, 00-, and 01+ calls placed by a confined offender equal to the percentage of the discount or commission received by the department for contractor 0+, 00-, or 01+ calls placed by the confined offender.**

(e).

Page 1, line 11, delete "discounted service; or" and insert "**discount**".

Page 1, line 12, after "(3)" insert "**commission; or (4)**".

Page 1, line 13, delete "vendor" and insert "**provider**".

Page 1, line 14, delete "vendor's" and insert "**provider's**".

Page 1, line 17, delete "The telephone calling system provided".

Page 2, delete lines 1 through 5.

Page 2, line 6, delete "accounts." and insert "(a) **This section applies to a telephone calling system provided for confined offenders.**"

(b) **The amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender shall reflect on a one for one basis all discounts and commissions offered by a telecommunications provider to the community corrections advisory board, including any facility or employee of the board, through a competitive bidding process.**

(c) **If the amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender does not reflect on a one for one basis all**

discounts and commissions received through the competitive bidding process by the board, including any facility or employee of the board, the board shall do one (1) of the following:

- (1) The board may refund on a prorated basis all discounts and commissions received from a telecommunications provider under the process described in subsection (d).
- (2) The board may submit a new bid proposal for a custom network service for public telephone interlata, intrastate, and interstate long distance services for confined offenders. At a minimum, the bid proposal shall contain the following:
 - (A) Any security and fraud control services considered necessary by the board, including the use of 0+ collect calling services as the sole means of confined offender communications with the general population.
 - (B) A prohibition against the receipt by the board, including any facility or employee of the board, of any fee, discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.
- (d) A person may claim a refund from the board by providing the board a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the board shall refund to the person that portion of the charges for contractor 0+, 00-, and 01+ calls placed by a confined offender equal to the percentage of the discount or commission received by the department for contractor 0+, 00-, or 01+ calls placed by the confined offender.

(e)".
Page 2, line 9, delete "discounted service; or" and insert "discount;".

Page 2, line 10, after "(3)" insert "commission; or

(4)".

Page 2, line 11, delete "vendor" and insert "provider".

Page 2, line 12, delete "vendor's" and insert "provider's".

Page 2, line 15, delete "The telephone calling system provided".

Page 2, delete lines 16 through 19.

Page 2, line 20, delete "board of accounts." and insert (a) This section applies to a telephone calling system provided for confined offenders.

(b) The amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender shall reflect on a one for one basis all discounts and commissions offered by a telecommunications provider to the county jail, including any facility or employee of the jail, through a competitive bidding process.

(c) If the amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender does not reflect on a one for one basis all discounts and commissions received through the competitive bidding process by the jail, including any facility or employee of the jail, the jail shall do one (1) of the following:

- (1) The jail may refund on a prorated basis all discounts and commissions received from a telecommunications provider under the process described in subsection (d).
- (2) The jail may submit a new bid proposal for a custom network service for public telephone interlata, intrastate, and interstate long distance services for confined offenders. At a minimum, the bid proposal shall contain the following:
 - (A) Any security and fraud control services considered necessary by the jail, including the use of 0+ collect calling services as the sole means of confined offender communications with the general population.
 - (B) A prohibition against the receipt by the jail, including any facility or employee of the jail, of any fee, discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.
- (d) A person may claim a refund from the jail by providing the jail a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the jail shall refund to the person that portion of the charges for contractor 0+, 00-, and 01+ calls placed by a confined offender equal to the percentage of the discount or

commission received by the jail for contractor 0+, 00-, or 01+ calls placed by the confined offender.

(e)".

Page 2, line 23, delete "discounted service; or" and insert "discount;".

Page 2, line 24, after "(3)" insert "commission; or

(4)".

Page 2, line 25, delete "vendor" and insert "provider".

Page 2, line 26, delete "vendor's" and insert "provider's".

Page 2, line 29, delete "The telephone calling system provided".

Page 2, delete lines 30 through 33.

Page 2, line 34, delete "as determined by the state board of accounts." and insert (a) This section applies to a telephone calling system provided for confined offenders.

(b) The amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender shall reflect on a one for one basis all discounts and commissions offered by a telecommunications provider to the juvenile detention facility, including any facility employee, through a competitive bidding process.

(c) If the amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender does not reflect on a one for one basis all discounts and commissions received through the competitive bidding process by the facility, including any facility employee, the facility shall do one (1) of the following:

- (1) The facility may refund on a prorated basis all discounts and commissions received from a telecommunications provider under the process described in subsection (d).
- (2) The facility, through the State of Indiana, may submit a new bid proposal for a custom network service for public telephone interlata, intrastate, and interstate long distance services for confined offenders. At a minimum, the bid proposal shall contain the following:

(A) Any security and fraud control services considered necessary by the facility, including the use of 0+ collect calling services as the sole means of confined offender communications with the general population.

(B) A prohibition against the receipt by the facility, including any facility employee, of any fee, discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.

(d) A person may claim a refund from the facility by providing the facility a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the facility shall refund to the person that portion of the charges for contractor 0+, 00-, and 01+ calls placed by a confined offender equal to the percentage of the discount or commission received by the facility for contractor 0+, 00-, or 01+ calls placed by the confined offender.

(e)".

Page 2, line 37, delete "discounted service; or" and insert "discount;".

Page 2, line 38, after "(3)" insert "commission; or

(4)".

Page 2, line 39, delete "vendor" and insert "provider".

Page 2, line 40, delete "vendor's" and insert "provider's".

Page 3, line 1, delete "The telephone calling system provided".

Page 3, delete lines 2 through 5.

Page 3, line 6, delete "determined by the state board of accounts." and insert (a) This section applies to a telephone calling system provided for confined offenders.

(b) The amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender shall reflect on a one for one basis all discounts and commissions offered by a telecommunications provider to the juvenile detention center, including any center employee, through a contract bidding process.

(c) If the amount billed for a contractor 0+, 00-, or 01+ call placed by a confined offender does not reflect on a one for one basis all discounts and commissions received through the contract bidding process by the center, including any center employee, the center shall do one (1) of the following:

(1) The center may refund on a prorated basis all discounts and commissions received from a telecommunications provider under the process described in subsection (d).

(2) The center may submit a new bid proposal for a custom network service for public telephone interlata, intrastate, and interstate long distance services for confined offenders. At a minimum, the bid proposal shall contain the following:

(A) Any security and fraud control services considered necessary by the center, including the use of 0+ collect calling services as the sole means of confined offender communications with the general population.

(B) A prohibition against the receipt by the center, including any center employee, of any fee, discount, commission, or other consideration for contractor 0+ calls placed by a confined offender.

(d) A person may claim a refund from the center by providing the center a copy of the person's telecommunications bill indicating all charges for contractor 0+, 00-, and 01+ calls placed by a confined offender. Not later than thirty (30) days after receiving the copy of the telecommunications bill, the center shall refund to the person that portion of the charges for contractor 0+, 00-, and 01+ calls placed by a confined offender equal to the percentage of the discount or commission received by the center for contractor 0+, 00-, or 01+ calls placed by the confined offender.

(e)".

Page 3, line 9, delete "discounted service; or" and insert "discount;"

Page 3, line 10, after "(3)" insert "commission; or

(4)".

Page 3, line 11, delete "vendor" and insert "provider".

Page 3, line 12, delete "vendor's" and insert "provider's".

(Reference is to HB 2115 as printed February 28, 2001.)

V. SMITH

Motion prevailed. The bill was ordered engrossed.

House Bill 2119

Representative Ripley called down House Bill 2119 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 2119-1)

Mr. Speaker: I move that House Bill 2119 be amended to read as follows:

Page 5, line 41, delete "to do".

Page 5, line 42, delete "the following:" and insert "**to require that increased water runoff resulting from new construction be impounded on the construction site**".

Page 6, delete lines 1 through 5.

(Reference is to HB 2119 as printed February 23, 2001.)

RIPLEY

Motion prevailed.

HOUSE MOTION (Amendment 2119-2)

Mr. Speaker: I move that House Bill 2119 be amended to read as follows:

Page 3, between lines 11 and 12, begin a new paragraph and insert: "SECTION 6. IC 14-13-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. The commission may use the fund to pay:

(1) reimbursement of the expenses of members under section 13 of this chapter;

(2) other administrative costs and expenses reasonably incurred under this chapter, including expenses for publications and postage; and

(3) costs incurred in fulfilling the directives of the Wabash River heritage corridor commission master plan, including multi-county projects and marketing and educational tools such as video tape productions, signs, and promotional literature.

However, the commission may not use money in the fund for the upper Wabash River basin commission established by

IC 14-30-4-6."

Page 3, line 28, delete "The" and insert "**(a) Subject to subsection (b), the**".

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"(b) If less than all of the executives of the counties that include territory within the upper Wabash River basin elect to participate in the commission before January 1, 2002, the commission expires on January 1, 2002."

Page 3, line 30, delete "The" and insert "**Subject to section 6(b) of this chapter, the**".

Page 5, line 7, after "organizations;" insert "**or**".

Page 5, delete lines 8 through 9.

Page 5, line 10, delete "(4)" and insert "**(3)**".

Page 5, delete lines 28 through 33.

Page 5, line 34, delete "17." and insert "**16. (a)**".

Page 5, line 36, delete "**However, the**" and insert "The".

Page 5, line 36, delete "not".

Page 5, line 37, after "any" insert "**participating**".

Page 5, delete lines 38 through 40 begin a new paragraph and insert:

"(b) The commission is not eligible for funding through the Wabash River heritage corridor commission established by IC 14-13-6-6."

Page 5, line 41, delete "18." and insert "**17.**".

Page 6, line 6, delete "19." and insert "**18.**".

Page 6, delete lines 11 through 33.

Page 6, line 34, delete "21." and insert "**19.**".

Page 7, line 1, delete "twenty-one (21)" and insert "**sixty (60)**".

Page 7, line 9, delete "twenty-one (21)" and insert "**sixty (60)**".

Page 7, line 10, delete "to the commission".

Page 7, line 11, after "entry" insert "**to a court in the county in which the property is located**".

Page 7, line 11, after "commission" insert "**may not exercise the right of entry until a final decision is made by the court.**".

Page 7, delete lines 12 through 13.

Page 7, delete lines 16 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 2119 as printed February 23, 2001.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

House Bill 1737

Representative Kruzan called down House Bill 1737 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1737-1)

Mr. Speaker: I move that House Bill 1737 be amended to read as follows:

Page 6, line 11, delete "the person suffers from alcohol abuse," and insert "**appropriate,**".

Page 6, line 13, delete "appropriate;" and insert "**the person suffers from alcohol abuse;**".

Page 6, line 24, delete "the person suffers from alcohol abuse," and insert "**appropriate,**".

Page 6, line 26, delete "appropriate;" and insert "**the person suffers from alcohol abuse;**".

Page 6, between lines 28 and 29, begin a new paragraph and insert: "**(f) An assessment for alcohol and drug abuse required under this section must be:**

(1) conducted by a program administered by a court under IC 12-23-14;

(2) conducted by a program certified by the division of mental health; or

(3) authorized under IC 9-30-9.

(g) A court ordering a person to complete an alcohol or drug abusetreatment program or an alcohol deterrent program under this section must determine that the program is:

(1) an alcohol and drug services program administered by a court under IC 12-23-14;

(2) a program certified by the division of mental health; or

(3) a circuit court alcohol abuse deterrent program established under IC 9-30-9."

Page 6, line 29, delete "(f)" and insert "(h)".

Page 6, line 38, delete "(g)" and insert "(i)".

(Reference is to HB 1737 as printed February 27, 2001.)

KRUZAN

Motion prevailed.

HOUSE MOTION
(Amendment 1737-3)

Mr. Speaker: I move that House Bill 1737 be amended to read as follows:

Page 6, between lines 39 and 40, begin a new paragraph and insert: "SECTION 7. IC 9-30-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A law enforcement officer who has probable cause to believe that a person has committed an offense under this chapter, IC 9-30-5, or IC 9-30-9, or a violation under IC 9-30-15 shall offer the person the opportunity to submit to a chemical test.

(b) If the person to whom a law enforcement officer has offered a chemical test under this section:

(1) requests a chemical test on the person's blood; and

(2) consents to pay for the chemical test on the person's blood; the law enforcement officer shall transport the person to a location where a chemical test on the person's blood may be administered under section 6 of this chapter. The law enforcement official shall request that a physician or an individual trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician perform a chemical test on the person's blood.

(c) A law enforcement officer:

(1) is not required to offer a chemical test to an unconscious person; and

(2) may offer a person more than one (1) chemical test under this chapter.

(d) A test administered under this chapter must be administered within three (3) hours after the law enforcement officer had probable cause to believe the person committed an offense under IC 9-30-5 or a violation under IC 9-30-15.

(e) A person must submit to each chemical test offered by a law enforcement officer in order to comply with the implied consent provisions of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1737 as printed February 27, 2001.)

THOMPSON

After discussion, Representative Thompson withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:30 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 301, 316, 404, and 506 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 49 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 49

The Speaker handed down Senate Concurrent Resolution 49, sponsored by Representative Ruppel:

A CONCURRENT RESOLUTION congratulating Ryan Trieschman as an outstanding Indiana student volunteer, as recognized by the sixth annual Prudential Spirit of Community Awards.

Whereas, Ryan Trieschman, a resident of Bourbon, Indiana and a Senior at Triton High School, has achieved national recognition for exemplary volunteer service by receiving a 2001 Prudential Spirit of Community Award;

Whereas, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities;

Whereas, Ryan earned this award by giving generously of his time and energy to assisting his local fire department by diagraming, measuring and listing important safety information on 19 businesses in his town's business district; and

Whereas, the success of the State of Indiana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ryan, who use their considerable talents and resources to serve others: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly hereby congratulates and honors Ryan Trieschman as a recipient of a Prudential Spirit of Community Award, and it recognizes his outstanding record of volunteer service, peer leadership and community spirit.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ryan Trieschman; his parents, Michael and Mary Trieschman; and Triton High School Principal Ted Chittum.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1062

Representative Tincher called down Engrossed House Bill 1062 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1062-3)

Mr. Speaker: I move that Engrossed House Bill 1062 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 3, line 6, delete "two (2)" and insert "**three (3)**".

(Reference is to HB 1062 as printed February 23, 2001.)

TINCHER

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1062, begs leave to report that said bill has been amended as directed.

TINCHER

Report adopted.

The question then was, Shall the bill pass?

Roll Call 298: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Antich, and Blade.

Engrossed House Bill 1100

Representative Crooks called down Engrossed House Bill 1100 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 299: yeas 92, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

Engrossed House Bill 1106

Representative Steele called down Engrossed House Bill 1106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 300: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Skillman.

Engrossed House Bill 1113

Representative Bodiker called down Engrossed House Bill 1113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 301: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lanane.

Engrossed House Bill 1264

Representative Day called down Engrossed House Bill 1264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 302: yeas 51, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bowser.

Engrossed House Bill 1172

Representative L. Lawson called down Engrossed House Bill 1172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 303: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Rogers.

Representative T. Adams was excused.

Engrossed House Bill 1201

Representative D. Young called down Engrossed House Bill 1201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 304: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

Engrossed House Bill 1248

Representative Avery called down Engrossed House Bill 1248 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative M. Smith was excused from voting. Roll Call 305: yeas 74, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Alexa.

Engrossed House Bill 1950

Representative Welch called down Engrossed House Bill 1950 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 306: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Simpson.

Engrossed House Bill 1341

Representative Lytle called down Engrossed House Bill 1341 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 307: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lewis and Wheeler.

Engrossed House Bill 1344

Representative Lytle called down Engrossed House Bill 1344 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 308: yeas 92, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman and Sipes.

Engrossed House Bill 1503

Representative Ayres called down Engrossed House Bill 1503 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 309: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman, C. Lawson, and Antich.

Engrossed House Bill 1293

Representative Frenz called down Engrossed House Bill 1293 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 310: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Waterman and L. Lutz.

Representative T. Adams was present

Engrossed House Bill 1513

Representative Liggett called down Engrossed House Bill 1513 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 311: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Craycraft.

Engrossed House Bill 1561

Representative Cherry called down Engrossed House Bill 1561 for third reading:

A BILL FOR AN ACT concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 312: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax and Lewis.

Engrossed House Bill 1570

Representative Moses called down Engrossed House Bill 1570 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1570-1)

Mr. Speaker: I move that Engrossed House Bill 1570 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 2, line 22, delete "date, time, and location" and insert "**date and time**".

(Reference is to HB 1570 as printed February 21, 2001.)

MOSES

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1570, begs leave to report that said bill has been amended as directed.

MOSES

Report adopted.

The question then was, Shall the bill pass?

Roll Call 313: yeas 61, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Johnson and Craycraft.

Engrossed House Bill 1578

Representative Cochran called down Engrossed House Bill 1578 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 314: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Simpson and Sipes.

Engrossed House Bill 1614

Representative Grubb called down Engrossed House Bill 1614 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 315: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Rogers.

Engrossed House Bill 1628

Representative Welch called down Engrossed House Bill 1628 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 316: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Breaux.

Engrossed House Bill 1673

Representative Dillon called down Engrossed House Bill 1673 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 317: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison, Miller, and Breaux.

Engrossed House Bill 1663

Representative Friend called down Engrossed House Bill 1663 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 318: yeas 90, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Simpson.

Engrossed House Bill 1667

Representative M. Smith called down Engrossed House Bill 1667 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 319: yeas 92, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wheeler, Lewis, and Landske.

Engrossed House Bill 1680

Representative Crawford called down Engrossed House Bill 1680 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 320: yeas 51, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark and Howard.

Engrossed House Bill 1688

Representative Ayres called down Engrossed House Bill 1688 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 321: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Alexa, and Antich.

Engrossed House Bill 1721

Representative Moses called down Engrossed House Bill 1721 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 322: yeas 78, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Server.

Engrossed House Bill 1764

Representative Pelath called down Engrossed House Bill 1764 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 323: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and Bowser.

Engrossed House Bill 1770

Representative Welch called down Engrossed House Bill 1770 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 324: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Johnson and Craycraft.

Engrossed House Bill 1806

Representative Mellinger called down Engrossed House Bill 1806 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 325: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Meeks and Lanane.

Engrossed House Bill 1829

Representative Aguilera called down Engrossed House Bill 1829 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 326: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Rogers, S. Smith, and Antich.

Engrossed House Bill 1849

Representative C. Brown called down Engrossed House Bill 1849 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1849-1)

Mr. Speaker: I move that Engrossed House Bill 1849 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, strike lines 7 and 8.

Page 2, line 26, strike "school corporation" and insert "**district**".

Page 2, line 29, strike "school corporation" and insert "**district**".

(Reference is to HB 1849 as printed February 22, 2001.)

C. BROWN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1849, begs leave to report that said bill has been amended as directed.

C. BROWN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 327: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Rogers and S. Smith.

Engrossed House Bill 1871

Representative C. Brown called down Engrossed House Bill 1871 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 328: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators S. Smith, Rogers, and Landske.

Engrossed House Bill 1872

Representative C. Brown called down Engrossed House Bill 1872 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 329: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators S. Smith, Rogers, and Landske.

Engrossed House Bill 1882

Representative Pelath called down Engrossed House Bill 1882 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 330: yeas 75, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Lanane.

Engrossed House Bill 1898

Representative Fry called down Engrossed House Bill 1898 for third reading:

A BILL FOR AN ACT concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 331: yeas 88, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Weatherwax.

Engrossed House Bill 1901

Representative Avery called down Engrossed House Bill 1901 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 332: yeas 94, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Simpson.

Engrossed House Bill 1911

Representative Fry called down Engrossed House Bill 1911 for third reading:

A BILL FOR AN ACT concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 333: yeas 50, nays 49. The bill failed for lack of a constitutional majority.

Engrossed House Bill 1921

Representative Sturtz called down Engrossed House Bill 1921 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 334: yeas 63, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Alexa.

Engrossed House Bill 1980

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1980, Representative T. Adams, granted consent to the coauthor, Representative Liggett, to call the bill down for third reading. Representative Liggett called down Engrossed House Bill 1980 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 335: yeas 55, nays 43. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Craycraft.

Representative T. Adams was excused for the rest of the day.

Engrossed House Bill 2145

Representative Crosby called down Engrossed House Bill 2145 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 336: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray, Alexa, and C. Lawson.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Crosby.

Engrossed House Bill 1934

Representative Gregg called down Engrossed House Bill 1934 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 337: yeas 91, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Garton.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

OTHER BUSINESS ON THE SPEAKER'S TABLE

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1921, Roll Call 334, on March 5, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the button malfunctioned. I intended to vote Yea."

FOLEY

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 334 to 63 yeas, 35 nays. The corrected roll call is printed with this Journal.]*

HOUSE MOTION

Mr. Speaker: I move that Representatives Yount, Fry, and J. Lutz be added as coauthors of House Bill 1105.

HASLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 1476.

GIA QUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crooks be added as coauthor of House Bill 1599.

HASLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives D. Young and Dumezich be added as coauthors of House Bill 1757.

HASLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pelath be added as coauthor of House Bill 1813.

CROSBY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Budak and Ayres be added as coauthors of House Bill 1882.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ayres be added as coauthor of House Bill 1891.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as coauthor of House Bill 1894.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ayres and Budak be added as coauthors of House Bill 1898.

FRY

Motion prevailed.

On the motion of Representative Kruzan the House adjourned at 11:10 p.m., this fifth day of March, 2001, until Tuesday, March 6, 2001, at 9:00 a.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives